

Plaintiff: Sarah Lee Cummings,
SairaRook@gmail.com
 (408)440-9484
 1442 Pomona Ave, San Jose CA 95110

Plaintiff, Luciano Rosales
 428 S King Rd
 San Jose Ca 95116
 408-771-2089
GuadalupeGardenCommunity@yahoo.com

Plaintiff : Mariena Acosta
 Columbus Park
 San Jose General Delivery 95116-9999
 669-243-7869
mrsgeeluv@gmail.com

Plaintiff : Dulce Chavez
 Columbus Park
 408-824-2286
Tate.rzz.tot23@gmail.com

Plaintiff : Rosemarie Estrada Pineda
 634 Lewis Rd, San Jose 95121
 669-331-8665
GuadalupeGardenCommunity@yahoo.com

Patricia Gonzales
 San Jose General Delivery 95116-9999
GuadalupeGardenCommunity@yahoo.com

Plaintiff : Anthony Garza
 San Jose General Delivery 95116-9999
 669-301-9151
Antgee283@gmail.com

Plaintiff : Elijah Cantu
 San Jose General Delivery 95116-9999
GuadalupeGardenCommunity@yahoo.com
 669-230-9269

Plaintiff : Bruce Mims
 San Jose General Delivery 95116-9999
Nefarious88@gmail.com

Plaintiff : Ryan Hope
 408-824-2286
Tate.rzz.tot23@gmail.com

Plaintiff : Gabriella Aguirre
 2726 Millbrae Way
 San Jose CA 95121
Jeweledmoon1@gmail.com

Plaintiff : Miguel Cruz Najera
 San Jose General Delivery 95116-9999
GuadalupeGardenCommunity@yahoo.com

Plaintiff : Gregory Blackwell
 San Jose General Delivery 95116-9999
GuadalupeGardenCommunity@yahoo.com
 408-768-3694

Plaintiff : Nichole Schlosser
 San Jose General Delivery 95116-9999
GuadalupeGardenCommunity@yahoo.com

408-413-7135

Plaintiff : Julio Cesar Magana Gonzales
 195 East San Fernando Street
 San Jose CA 95121
 408-767-3884
Mr.Gancito@gmail.com

SAMUEL ROBINSON

DONALD FARR

FILED

NOV 28 2022

CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA
 OAKLAND OFFICE

United States Court

District of Northern California

022-07481

BLF

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SAMUEL ROBINSON

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FILED

NOV 28 2022 *js*

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

United States Court

District of Northern California

C22-07481

BLF

<u>Plaintiff(s)</u>	<u>Case No</u>
Elijah Cantu, Anthony Garza, Rosemarie, Julio Cesar Magana Gonzales, Nichole Schlosser, Gregory Blackwell, Miguel Cruz Najera, Gabrielle Aguirre, Ryan Hope, Bruce Mims, Dulce Chavez, Mariena Acosta, Luciano Rosales, Sarah Lee Cummings, SAMUEL ROBINSON DONALD FURR	MOTION FOR TEMPORARY RESTRAINING ORDER AND TO SET HEARING FOR PRELIMINARY INJUNCTION
<u>V</u>	
<u>Defendant(s)</u>	
CITY OF SAN JOSE, SANDRA MURILLO, VANESSA BERETTA, PAUL PEREIRA, OFFICER SAULEDA, OFFICE CINBERG, OFFICER HOOPE, ET AL	

INTRODUCTION AND STATEMENT OF FACTS

1. On November 16th, this court issued a temporary restraining order against the City of San Jose to enjoin them from destroying and removing people and their belongings from the Guadalupe Gardens Encampment See *Thompson v City of San Jose* 5:22-cv-07186-JSC Docket No 11. A hearing for that is set for Tuesday, November 29th 11am. We in this motion are people living at Guadalupe Gardens who are also in dangers from the actions of defendants and this motion seeks to join in that hearing.
2. A copy of the motion for TRO in that case is attached in Exhibit, and the same nexus of facts exists that has been temporarily put on hold by the courts order. As was articulated in the motion and complaint, on November 10th the City of San Jose greatly escalated its siege of people with a mass posting of 72 hour Notices to Vacate of people on the property.
3. 7 *pro se* Plaintiffs brought the action in that case. We are 17 plaintiffs who also proceed *pro se* and the same nexus of facts apply. This complaint arises from the same set of facts at Guadalupe Gardens encampment and the policies and procedures of the City of San Jose, and of its managers of the siege of Guadalupe Gardens Sandra Murillo, Paul Pereira, and Vanessa Beretta who are supported by the San Jose Police Department and Officers Cinberg, Officer Sauleda who execute their orders through use of force.
4. Like *Thompson v City of San Jose*, this complaint seeks injunctive relief to stop the wanton destruction of peoples motor homes, tents, personal belongings that put all of us in serious danger during these cold winter months where night time temperatures can fall below freezing.



A destroyed motor home at Guadalupe Gardens destroyed by the City of San Jose.

5. The situation is dire. Dulce Chavez, who is pregnant and lives in a fifth wheel with her partner is being threatened that her trailer will be seized, and she has already lost a trailer. Vanessa Beretta and Sandra Murillo have told her family that the City of San Jose will be seizing and destroying one of their vehicles [See Declaration Dulce Chavez]
6. On November 10th, people living at the park were issued mass notices threatening to seize and destroy their motorhomes and other property. An actual copy is in exhibit A. [See Declarations John Ortiz, Cheryl Imus, Mark Thompson, Elija Cantu, and others]
7. Ryan Hope is an expectant father who stays at Columbus park with his pregnant partner and his mother Sara Hope who is a plaintiff in *Thompson v City of San Jose*. He and his partner are in possession of two trailers which the City seeks to seize and destroy. [Declaration of Ryan Hope]

8. Elijah Cantu is 18 years old and lives in a trailer with his uncle in their motor home. They are currently working on replacing the engine. On November 10th they were posted by Officer Cinberg that their motor home would be seized and destroyed [See Declaration Elijah Cantu]
9. On November 27th, Sarah Lee Cummings will have to go to detox for a month. She cannot bring it with her. She has no where to park her minivan on private property while she is away. She has no home to return to except her mini van. Her mini van will likely be seized for parking too long on public steets while she is in detox. {See Declaration Sarah Lee Cumming]
10. Luciano Rosales has had her van seized, and has consistently had been harassed to sell her RV for a \$500.00 gift – far below its value and it utility as a shelter [See Declaration Luciano Rosales]
11. On September 15th, Mariena Acosta’s flatbed trailer was seized and destroyed by defendants. They destroyed priceless family heirlooms and would not allow her to retrieve her possessions [See Declaration Mariena Acosta]
12. On November 15th, the trailer Sam Runles was living in was destroyed. He was offered no alternative shelter or compensation [See Declaration of Sam Runles]
13. On November 14th, Vanessa Beretta directed city workers to destroy the trailer Andrea Nesbit was living in without providing alternative shelter or compensation to her – then while moving Ms. Nesbits friends trailer damaged it and dropped it in the middle of the road – then destroyed it [See Declaration Andrea Nesbit]

14. Earlier this year, Miguel Angel Cruz had his trailer and many of his belongings seized and destroyed by the City of San Jose who only gave him 15 minutes to move his belongings. While he was moving his belongings and complying with the City's order, they seized and destroyed his his trailer and most of his worldly possessions [See Declaration Miguel Cruz Najera]
15. Gregory Blackwell, who lives in a trailer had a major foot injury on November 23rd. He currently cannot walk and is fearful that when the restraining order lifts he will not be able to move to a new location [See Declaration Gregory Blackwell]
16. Nichole Schlosser has been told to move from location to location living in her fifth wheel. Everytime the city orders her to move she has to hire someone to move her trailer at considerable expense. Furthermore, City workers would come around and take her possessions directly outside her
17. Sometime in August 2022, the City of San Jose completely demolished the campground of Julio Cesar Magana Gonzales without providing housing or compensation. This was a great burden, because Julio Cesar Magana Gonzales has a major hernia – a tear in his muscles where his internal organs are bulging out. He lives in extreme pain and every time he is forced to move or loses his property it puts him at risk at serious and irreparable injury [See Declaration Julio Cesar Magana Gonzalez].
18. Some time in September 2022, Sophia Carter hands was forced to sell her trailer far below its worth because agent of the City of San Jose said she had to either sell it and have it destroyed, or it would be destroyed and she would get nothing. In the process, the City destroyed her scooters that she relied on fo transporation and would not let her

get blankets, food. They promised housing but soon rescinded those promises {See Declaration Sophia Carter Hands}

19. Rosemarie Estrada Pineda had been working with Vanessa Beretta, and had a permit for her trailer. However that did not stop City workers from coming and destroying Rosemarie Estrada Pineda's childrens possessions that were left outside of the trailer one day. The City continues to act in a threatening way and is trying to take possession of her trailer with a gift card.

20. On November 2nd, The City of San Jose threw away Anthony Garza's tent, clothes, cell phone and bicycle.

21. There is no reason to believe that the destruction of peoples motor homes will not stop. Furthermore, the National Weather Forecast states that there is a frost advisory. [See Exhibit B] People who lose their motor homes right now are literally in danger of freezing to death.

22. Many plaintiffs have not been offered any form of housing, and alternative or compensation for the damage and danger they are experiencing from the city. There is no reason to see why this will not continue.

23. Therefore, without the protection of the court when the TRO is lifted or modified, we are in danger of the same abatement action articulated in *Thompson v City of San Jose*

5:22-cv-07186-JSC

Procedural Backgrounds

24. Federal Rule of Civil Procedure 65 governs preliminary injunctions and temporary restraining orders. To obtain a preliminary injunction, the plaintiff has the burden to “establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.” *Porretti v. Dzurenda*, 11 F.4th 1037, 1047 (9th Cir. 2021) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). “Injunctive relief [is] an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22. Courts in this Circuit “appl[y] a ‘sliding scale’ approach to preliminary injunctions such that a preliminary injunction can issue ‘where the likelihood of success is such that ‘serious questions going to the merits were raised and the balance of hardships tips sharply in [plaintiff’s] favor.’”” *Doe v. San Diego Unified Sch. Dist.*, 19 F.4th 1173, 1177 (9th Cir. 2021), reconsideration en banc denied, 22 F.4th 1099 (9th Cir. 2022) (quoting *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011)). Temporary restraining orders are governed by the same standard applicable to preliminary injunctions. See *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, n. 7 (9th Cir. 2001). A temporary restraining order “should be restricted to serving [its] underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing, and no longer.” See *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70*, 415 U.S. 423, 439 (1974).

We Are Likely To Succeed on Fourteenth Amendment Substantive Due Process Claims

25. “Substantive due process ‘forbids the government from depriving a person of life, liberty, or property in such a way that “shocks the conscience” or “interferes with the rights implicit in the concept of ordered liberty.”’” *Corales v. Bennett*, 567 F.3d 554, 568 (9th Cir. 2009) (quoting *Nunez v. City of Los Angeles*, 147 F.3d 867, 871 (9th Cir. 1998)); see also *Brittain v. Hansen*, 451 F.3d 982, 990-91 (9th Cir. 2006). “Substantive due process is ordinarily reserved for those rights that are ‘fundamental.’” *Id.* at 990 (quoting *Washington v. Glucksberg*, 521 U.S. 702, 721-22 (1997)).
26. Right to due process for the seizure and destruction of peoples homes and survival gear is absolutely fundamental. This right is being trampled without any kind of due process, ability appeal, or compromise [See Declaration Generally]

Fourth Amendment Search and Seizure

27. In *Soldal v. Cook County*, Illinois, 506 U.S. 56, 67 (1992), the Supreme Court explained that the Fourth Amendment protects plaintiffs’ property rights in civil cases. As relevant here, the Court also held that seizing the plaintiff’s mobile home and carrying it away to a new location constituted a “seizure” within the meaning and protections of the Fourth Amendment, even if no invasion of privacy had occurred. *Id.* at 61-64; see also *id.* at 66 (“[A] seizure of [an] article . . . would obviously invade the owner’s possessory interest.” (quoting *Horton v. California*, 496 U.S. 128, 134 (1990)). The Court explained that “the right against unreasonable seizures would be no less transgressed if the seizure of the house was undertaken to collect evidence, verify compliance with a housing regulation, effect an eviction by the police, or on a whim, for no reason at all.” *Id.* at 69.

28. Where a possessory interest is protected by the Fourth Amendment, “[t]he mere fact that a state has authorized a search or seizure does not render it reasonable under the Fourth Amendment.” *Sandoval v. County of Sonoma*, 72 F. Supp. 3d 997, 1007 (N.D. Cal. 2014), *aff’d*, 912 F.3d 509 (9th Cir. 2018), and *aff’d*, 912 F.3d 509 (9th Cir. 2018) (first citing *Sibron v. New York*, 392 U.S. 40, 61 (1968); then citing *Miranda v. City of Cornelius*, 429 F.3d 858, 864 (9th Cir. 2005)); cf. *Conner v. City of Santa Ana*, 897 F.2d 1487, 1493 (9th Cir. 1990)

29. Here, there is no warrant of probable cause to seize the homes of people’s homes. There is no community caretaker rationale because the motor homes are not blocking traffic or posing a danger to the public [See Declarations Generally] Their seizure is totally unreasonable.

30. Fifth Amendment Taking Clause

a. “A property owner has an actionable Fifth Amendment takings claim when the government takes his property without paying for it.” *Knick v. Township of Scott*, Pa., 139 S. Ct. 2162, 2167 (2019). “The government commits a physical taking when . . . the government physically takes possession of property without acquiring title to it.” *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063, 2071 (2021) (citing *United States v. Pewee Coal Co.*, 341 U.S. 114, 115- 17 (1951) (plurality)). This “sort[] of physical appropriation constitute[s] the ‘clearest sort of taking,’ and we assess [it] using a simple, per se rule: The government must pay for what it takes.” *Id.* (first quoting *Palazzolo v. Rhode Island*, 533 U.S. 606, 617

(2001), then citing *TahoeSierra Pres. Council, Inc. v. Tahoe Regional Plan. Agency*, 535 U.S. 302, 322 (2002)).

31. Additionally, “[i]ndividuals must receive notice and an opportunity to be heard before the Government deprives them of property.” *Gremmels v. FDA*, No. 21-CV-06102-JSC, 2021 WL 7448539, at *2 (N.D. Cal. Oct. 5, 2021), report and recommendation adopted, No. 21-CV-06102- VC, 2021 WL 7448546 (N.D. Cal. Nov. 4, 2021) (quoting *United States v. James Daniel Good Real Prop.*, 510 U.S. 43, 48 (1993)).

a. The City of San Jose is not compensating people justly [See Declarations Generally]. People under threat generally are not being offered accessible alternative shelter *id.* The only mitigating act are \$500 dollar “Gift Cards” for the destruction and seizure of motor homes. These gift cards don’t meet the actual value of the motor homes, and the utility value of motor homes during the freezing nights in San Jose is much greater than \$500.

32. Fourteenth Amendment Due Process State Created Danger

33. To state a substantive due process claim based on the state-created danger doctrine, a plaintiff must establish: (1) “the officers’ affirmative actions created or exposed h[im] to actual, particularized danger that [h]e would not otherwise have faced”; (2) “the injury was foreseeable”; and (3) “the officers were deliberately indifferent to the known danger.” *Martinez v. City of Clovis*, 943 F.3d 1260, 1271 (9th Cir. 2019). The third element, deliberate indifference, requires “proof that a municipal actor disregarded a known or obvious consequence of his action” which is “a stringent standard of fault.” *Id.*

at 1274 (quoting *Patel v. Kent Sch. Dist.*, 648 F.3d 965, 974 (9th Cir. 2011)). “[I]t requires a ‘culpable mental state.’” *Id.* (quoting *Patel*, 648 F.3d at 974)

34. Right now, there the National Weather Forecast warns about frost in San Jose [See National Weather Forecast Exhibit]. People who lose their survival gear and motor homes may literally freeze to death. The City of San Jose is apparently doing nothing to mitigate this danger and is not offering people any just alternatives.

IRREPARABLE HARM

35. A “plaintiff[] must establish that irreparable harm is likely, not just possible, in order to obtain a preliminary injunction.” *Cottrell*, 632 F.3d at 1131 (citing *Winter*, 555 U.S. at 20-21). “The Ninth Circuit has held that ‘an alleged constitutional infringement will often alone constitute irreparable harm.’” *Santa Cruz Homeless Union v. Bernal*, 514 F. Supp. 3d 1136, 1145 (N.D. Cal. 2021), modified, No. 20-CV-09425-SVK, 2021 WL 1256888 (N.D. Cal. Apr. 1, 2021) (quoting *Assoc. Gen. Contractors of Cal., Inc. v. Coal. for Econ. Equity*, 950 F.2d 1401, 1412 (9th Cir. 1991)). As explained above, as least three of these allegations have substance. These alone may constitute irreparable harm. See *Bernal*, 514 F. Supp. at 1145.

36. The Ninth Circuit has held that a violation of a person’s constitutional rights may also constitute irreparable injury see *Monterey Mech. Co. v. Wilson*, 125 F.3d 702, 715 (9th Cir. 1997) (noting that “an alleged constitutional infringement will often alone constitute

irreparable harm”); *Nelson v. NASA*, 530 F.3d 865, 882 (9th Cir. 2008) (stating that, “[u]nlike monetary injuries, constitutional violations cannot be adequately remedied through damages and therefore generally constitute irreparable harm”), rev’d on other grounds, *Nat’l Aero. & Space Admin. v. Nelson*, 56 U.S. 134 (2011).

37. Right now, there the National Weather Forecast warns about frost in San Jose [See Exhibit B]. People who lose their survival gear and motor homes may literally freeze to death. People who have lost their homes are put in great hardship [See Declarations Generally]

BALANCE OF EQUITIES AND PUBLIC INTEREST

38. “Where, as here, the government opposes a preliminary injunction, the third and fourth factors merge into one inquiry.” *Id.* (citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)).
39. There is no public interest in having people freeze to death in winter and not have any place to go.

Verification

SEE ATTACHED SIGNATURE PAGE

Motions

Signature Page

TWO

and PRELIMINARY INJUNCTION,

-4-

To Consolidate cases, appoint Counsel
and Index of Exhibits

DATE	NAME / Signature
11-26-22	Anthony Garza <i>Anthony Garza</i>
11/26/22	LUCIANO ROSALES
11/26/22	DANIELA GONZALEZ
11/26/22	[Signature]
11/26/22	Samuel Robinson
11/26/22	Mariena Acosta Mariena Acosta
11/26/22	Eyn D. Hoya
11/26/22	Miguel A. C. <i>[Signature]</i>
11/26/22	Margarita Baya Jar Berrin
11/26/22	Gabrielita Higuera Gabrielita Higuera
11/26/22	Eugene Gregory Blackwell
11-26-22	Nehale Schlosse
11-26-22	Elijah Cantu

COMPLAINT

PAGE ___ OF ___ [JDC TEMPLATE - Rev. 05/2017]

INDEX OF
EXHIBITS

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United States Court**District of Northern California**

<u>Plaintiff(s)</u>	<u>Case No</u>
Elijah Cantu, Anthony Garza, Rosemarie, Julio Cesar Magana Gonzales, Nichole Schlosser, Gregory Blackwell, Miguel Cruz Najera, Gabrielle Aguirre, Ryan Hope, Bruce Mims, Dulce Chavez, Mariena Acosta, Luciano Rosales, Sarah Lee Cummings, Samuel Robinson, Donald Furr	INDEX OF EXHIBITS IN SUPPORT OF TRO/PRELIMINARY INJUNCTION AND COMPLAINT FOR INJUNCTIVE RELIEF TO STOP THE DESTRUCTION OF MOTORHOMES, PERSONAL PROPERTY, AND SURVIVAL GEAR AT GUADALUPE GARDENS.
<u>V</u>	
<u>Defendant(s)</u> CITY OF SAN JOSE, SANDRA MURILLO, VANESSA BERETTA, PAUL PEREIRA, OFFICER SAULEDA, OFFICE CINBERG, OFFICER HOOPE, ET AL	

INDEX OF EXHIBITS

1. DECLARATION OF CHERYL IMUS
2. DECLARATION OF MARK THOMPSON
3. DECLARATION OF JEFFREY PAPA ECHIVARIA
4. DECLARATION OF JOHN ORTIZ
5. DECLARATION OF GREGORY BLACKWELL
6. NATIONAL WEATHER FORECAST
7. DECLARATION OF DULCE CHAVEZ
8. DECLARATION OF SARAH LEE CUMMINGS,
9. DECLARATION OF RYAN HOPE,
10. DECLARATION OF ELIJAH CANTU
11. DECLARATION OF NICHOLE SCHLOSSER
12. DECLARATION OF ROSEMARIE ESTRADA PINEDA,
13. DECLARATION OF SOPHIA CARTER HANDS
14. DECLARATION OF SAM RUNLES,
15. DECLARATION OF JULIO CESAR MAGANA GONZALES,
16. DECLARATION OF MIGUEL CRUZ NAJERA
17. DECLARATION OF ANDREA NESBIT,
18. DECLARATION OF GABRIELLE AGUIRRE
19. DECLARATION OF MARIENA ACOSTA
20. DECLARATION OF PATRICIA GONZALES
21. DECLARATION OF LUCIANO ROSALES
22. DECLARATION OF ANTHONY GARZA
23. DECLARATION OF GREGORY BLACKWELL

VERIFICATION SEE ATTACHEDÍ

EXHIBIT A
DECLARATIONS OF
CHERYL IMUS,
MARK THOMPSON,
JEFFREY PAPA ECHIVARIA, JOHN
ORTIZ,
GREGORY BLACKWELL,

FROM *THOMPSON V CITY OF
SAN JOSE* MOTION FOR TRO

1 Your name: Cheryl Imus, Rachelle Imus, Jason Jensen

2 Address: Guadalupe Garden, Columbus park
 3 San Jose

4 Phone Number: 541-973-3870 650 7877916

5 E-mail Address: imuscherlyt@gmail.com
 6 rah94062@gmail.com

7
 8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

10 MARK THOMPSON et al
 11 Cheryl Imus, Rachelle Imus
 12 Jason Jensen

13 Plaintiff(s),

14 vs.

15 CITY OF SAN JOSE et al

16
 17
 18
 19
 20 Defendant(s).

Case Number: _____

DECLARATION OF [name]

CHERYL IMUS

IN SUPPORT OF TRO AND PI

to stop seizure of my vehicle

21
 22 I, [name] _____

23 declare as follows:

24 [In the first paragraph, explain who you are and how you are connected to the party or events
 25 relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness,
 26 say how you are involved.]

27 1. I am Plaintiffs, Residence of Homeless Camp

28 And its our property that was taken, and presently under
threat of towing our home and only vehicle.

DECLARATION OF _____ IN SUPPORT OF _____

2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

Rec 3-4: Describe yourself, how long you have lived here, and the domicile you inhabit.

3. My Family live in a 1994 Continental R.V
40 Ft. Long, and a 2001 E450 Ford Bus
and have for 4 years, both are operational.
4. Vanessa Barretta told me she wanted
1 of 3 parking passes back so that vehicle
could be orange tagged for tow

Rec 5-7: Describe property destruction you have witnessed with specificity, attach photos.

5.

6.

7.

DECLARATION OF Cheryl Imus IN SUPPORT OF

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

1 Rec 8-10 : Describe with as much specificity as possible, the dangers that will result if the court
2 does not intervene

3
4 8. We already have medical issues from the stress
5 my Blood pressure 2 days ago by a M.D. was 185 over 115
6

7 9. We have lost jobs because they took our truck
8 and car from the Sept. 2021 abatement @ Columbus
9 Park, we lost our income,

10 10. IF they take our bus, Cheryl Imus won't have a
11 home and they are presently trying to tow Cheryl's
12 1999 Eclipse which is running and great shape.
13

14 Rec 11-12 : Describe with as much specificity as possible, how the dangers you are facing are
15 foreseeable by the state actor.

16
17 11. Were in danger of being out in the cold and
18 daughter is pregnant and will loose the baby and Cheryl
19 in danger of pneumonia and PTSD, life is already
20 extremely hard, why are they being heartless, they don't care,
21

22 12. _____
23
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DECLARATION OF Cheryl Imus IN SUPPORT OF

1 Rec 13-14 : Describe with as much specificity as possible, actions that the state actors
2 have shown deliberate indifference to the dangers you face, or inversely what they have or have
3 not done to mitigate those dangers.

4
5
6 13. Continued Harassment, they want me to choose
7 which vehicle I will have towed when I already
8 stated I is my home and that's my only care.

9 14. I was told, regardless they want 1 or the
10 other towed, why are they trying to give me a heart
11 attack

12 Rec 15-16 : Describe in detail, what form of compensation or lack thereof, the state actor
13 has offered in exchange for taking your property.

14
15 15. They have not offered anything. They gave
16 use 3 permits and want 1 back

17
18 16. _____
19
20

21 Rec 17-18 : Describe in detail, in what ways you are at risk for being arrested because of
22 your status of not having a home – or whether you have been arrested for involuntary acts of
23 survival in the past.

24
25 17. its created a not safe environment, constant
26 police unwillingly to help, and the City of San Jose employee
27 constantly harassing, Fear of incarceration is how they
28 make us feel.

DECLARATION OF Cheryl Imius IN SUPPORT OF _____

18. _____

19. _____

What else would you like the judge to know

20. Our homes are running, they look good, we live in these vehicles because we could no longer afford rent in the Bay area, we've been

21. out here over 4 years and its very difficult, stressful and we already live in fear, we honestly can't take much more, we are already working

22. with Homefirst for housing but the list is long and they know that but they aren't easing up. We are lawful and don't like confrontation.

23. You can refer to Date 11/10/21 case # 21-314-0678 when they took our cars.

22. _____

Use these lines to add to other questions where you need more space. Label them the number the question you are attaching to.

DECLARATION OF Cheryl Imus IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

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21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct and that this declaration was executed on [date] _____
23

Signature: _____

Printed name: _____

Address: _____

Phone Number: _____

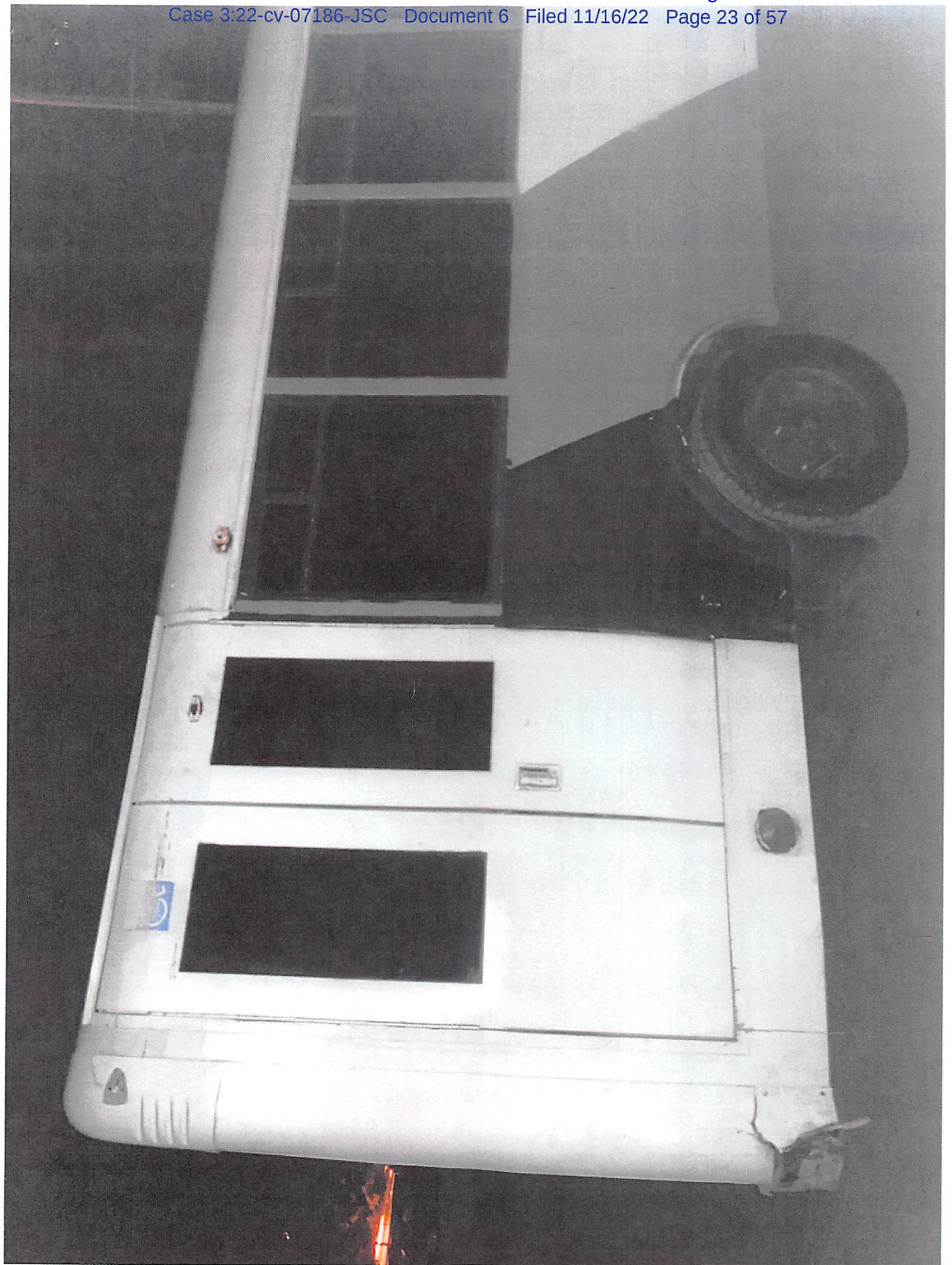
DECLARATION OF _____

IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

A





1 Your name: Mark A. Thompson

2 Address: _____

4 Phone Number: _____

5 E-mail Address: markt315@gmail.com

8
9 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 Mark Thompson Et al

13 Plaintiff(s),

14 vs.

15 City of San Jose et al

20 Defendant(s).

Case Number: _____

DECLARATION OF [name]

Mark Thompson

IN SUPPORT OF TRO AND PI

To stop destruction of
my Motor Home

22 I, [name] Mark A Thompson

23 declare as follows:

24 [In the first paragraph, explain who you are and how you are connected to the party or events
25 relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness,
26 say how you are involved.]

27 1. I am Mark A Thompson I am at risk
28 of losing everything I own that I have
Left Due to the sweeps upon myself No one else @
Columbus Park!
DECLARATION OF _____ IN SUPPORT OF _____

2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

Rec 3-4: Describe yourself, how long you have lived here, and the domicile you inhabit.

3. I have Lived in Columbus Park For Roughly 1 1/2 yrs
 & 1 1/2 yrs in the Creek area in my truck & tent
 I Been swept 3 times in the last month the first time

4. with no warning NO notice then they kept
 telling me I had one HR. to move my Boat or they'd
 tow it I was told to leave now and get a truck
 or well tow your Boat now I just wake up was not
 able to take anything I told them I had my clothes to pack
 Rec 5-7: Describe property destruction you have witnessed with specificity, attach photos.

in my Bag & I'd be moved completely by this evening
 5. more than likely by noon they said NO you
 Do it now or we will tow this Boat in one HR
 I said I could put my Bags & tent in the
 6. Boat they said NO go get a truck now
 or we will tow it so leave now!

7.

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

1 Rec 8-10 : Describe with as much specificity as possible, the dangers that will result if the court
2 does not intervene

3
4 8. Obviously I'm at a Risk By this they took all
5 Food all clothing all ability to shelter myself
6 From the weather Due to Ever changing sweeps

7 9. they add reasons every sweep also each
8 person is swept differently also changes if
9 you have a Record such as myself! my tool Box

10 10. For work went into a Dumpster they
11 have took all ability to return to work
12 my trade ~~that~~ thus I have to have my own tools
13 to work they've took my ability to employment away

14 Rec 11-12 : Describe with as much specificity as possible, how the dangers you are facing are ~~Period~~
15 foreseeable by the state actor. my trade Heavy Collision Auto ~~Body~~
16 one has to have your own tools to work or to even be hired

17 11. What surprised me most was they purposely
18 threw more tree Branches on top then laughed ~~and~~ ^{and} stated
19 that ought to keep them From removing anything from
20 the Dumpster! truly aren't they suppose to keep all

21 12. It seems they take at impound and give me
22 a amount of time to claim my Belongings
23 if I Don't claim it then throw it all away

24 I think that's how it is suppose to be ~~but~~ yet
25 not once have they done this they've just told me
26 to leave now you have one hr or we throw it
27 away they actually said they Confiscated my
28 trailer also stated they ~~are~~ ^{bring} my tie straps
Back yet never did

DECLARATION OF

IN SUPPORT OF

1 Rec 13-14 : Describe with as much specificity as possible, actions that the state actors
 2 have shown deliberate indifference to the dangers you face, or inversely what they have or have
 3 not done to mitigate those dangers.

4
 5
 6 13. Its truly amazing that this disregard for my personal
 7 Belonging my tools my clothes even my food I've paid
 8 for has just been taken away But just thrown

9 14. immediately in to a dumpster like trash bin
 10 at a loss and literally endangered to a point I can
 11 see well at night due to having Bilateral Corneal

12 Rec 15-16 : Describe in detail, what form of compensation or lack thereof, the state actor
 13 has offered in exchange for taking your property.

14
 15 15. Wipers in my eye from wipers actually my doctor
 16 has never seen before the admitting nurse said she
 17 came its kind of worrisome 24-7 my life is truly

18 16. endangered due to this yet these people
 19 do not care about any of this they just treat you
 20 & they laugh at your reaction to it all truly
 21 amazing

22 Rec 17-18 : Describe in detail, in what ways you are at risk for being arrested because of
 23 your status of not having a home - or whether you have been arrested for involuntary acts of
 24 survival in the past.

25 17. then they tell you this is a felony and
 26 can arrest you for trespassing etc. etc
 27 is this correct I can't believe that our country
 28 is so heartless it not ruthless yet claim this

DECLARATION OF _____ IN SUPPORT OF _____

is Sitcom Valley / thats good I think not

18. personally there Bigger Criminals than
 we are I've experiensal Hardships in life
 19. But nothing like this just Blatantly
 threaten me then just take my Belongings even
 the Breakfast I just made and was eating
 What else would you like the judge to know at the moment they came?

20. This can not be a way they were trained
 to do these swaps or protocol in ways
 21. to act towards public I've been shocked
 and amazed in life many times yet
 not like this also not by our officials
 22. who we are suppose to support & trust
 this has faithfully in a hardship to the
 extent that I cant even return to my carrier
 that I've raised 4 kids alone with no
 23. assistance now I'm barely able to stay alive
 22. or shelter myself and feed myself
 for the first time in my life!

Use these lines to add to other questions where you need more space. Label them the
 number the question you are attaching to.

I Cant Believe our
 County is Letting this all happen
 and is a part of this

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. I'm truly amazed; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

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21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct and that this declaration was executed on [date] _____
23

Signature: _____

Printed name: _____

Address: _____

Phone Number: _____

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26
27
28
DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

A



Fax Cover Sheet

Date _____ Number of pages _____ (including cover page)

To:

Name _____

Company _____

Telephone _____

Fax _____

From:

Name _____

Company _____

Telephone _____

Comments _____



fedex.com 1.800.GoFedEx 1.800.463.3339



B



Fax Cover Sheet

Date _____ Number of pages _____ (including cover page)

To:

Name _____

Company _____

Telephone _____

Fax _____

From:

Name _____

Company _____

Telephone _____

Comments _____



7 90363 00711 1

Fax - Local Send



7 90363 00714 2

Fax - Domestic Send



7 90363 00720 3

Fax - International Send

fedex.com 1.800.GoFedEx 1.800.463.3339

WARNING

THIS VEHICLE MAY BE IN VIOLATION OF THE LAW AND SUBJECT TO REMOVAL AT THE OWNER'S EXPENSE

This vehicle may be in violation of one or more of the following:

- ☐ A vehicle may not be parked on a public street for more than 72 hours (3 days) without moving (San José Municipal Code 11.36.220). The vehicle may be cited and towed under California Vehicle Code section 22651(k) **WITHOUT FURTHER NOTICE.**
- ☐ A vehicle may not be parked in violation of posted rules including being parked for more than 72 hours (3 days) within City owned or operated facilities (California Vehicle Code 21113(a)). The vehicle may be cited and towed under California Vehicle Code section 22669(a) and/or 22651(n) **WITHOUT FURTHER NOTICE.**
- ☐ A vehicle may not be abandoned on a public street or other public property (California Vehicle Code section 22523). A vehicle parked and/or left on a public street or public property that is inoperable or is deemed a hazard is considered abandoned and may be removed **IMMEDIATELY.**
- ☐ Vehicles may not be driven or parked on a highway, public land, or an off-street parking facility without current registration (California Vehicle Code section 4000a). Vehicles found with a registration expiration date older than six months, and parked or driven on the highway, public land, or an off-street parking facility are subject to **IMMEDIATE** removal under California Vehicle Code Section 22651(o).

Note: Placement of this warning notice is a courtesy and not required under the California Vehicle Code. The absence or removal of the warning does not invalidate any enforcement action (citation or tow.)

VEHICLE ABATEMENT PROGRAM FREQUENTLY ASKED QUESTIONS

1. What does this orange warning notice mean?

The City of San José received a complaint that the vehicle is being stored or has been abandoned on a public street. We investigate every complaint. As a first step in investigating a vehicle, we place a warning notice on it. We will follow up after 72 hours (three days). If the evidence confirms that the vehicle is in fact being stored for more than 72 hours (three days) or is abandoned, it may be ticketed and/or towed.

2. Do I need to respond to this warning notice?

No – you DO NOT need to call, write, or email the City in response to the warning. However, please make sure the vehicle has current registration, is driven every 72 hours (three days), and is in drivable condition.

3. How long can a vehicle be parked on the public street?

A vehicle cannot be parked on the public street for more than 72 hours (three days) without moving (San José Municipal Code 11.36.220).

4. Can I park my car on the public street if the vehicle registration is expired?

No, vehicles may not be parked on the public street with an expired registration. The vehicle may be ticketed or towed.

5. How do I make sure my vehicle will not be towed?

If you're going to park on a public street, make sure the vehicle doesn't violate any posted parking rules, has current registration on file with the DMV, is in drivable condition, and is driven every 72 hours (three days).

6. Will the City always provide a warning notice before towing a vehicle?

No, the orange warning notice is not required by law and is placed on vehicles as a courtesy.

7. My car was towed, what do I do?

Contact the San José Police Department's Vehicle Records Unit at 408-277-4156 and be prepared to provide your vehicle license plate number.

For more information contact the City of San José (408) 535-3500 or www.sanjoseca.gov



Date / Time of Warning: 11/10/22 1319

Vehicle License #: N/A

Officer: SAUCEDA

Badge #: 4999

☐ Department of Transportation
☒ Police Department

1 Your name: Jeffrey Papa Echivaria

2 Address: NA

4 Phone Number: (409) 307-5273

5 E-mail Address: Jpechivaria533@gmail.com

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 MARK THOMPSON ET AL

13 Plaintiff(s),

14 vs.

15 CITY OF SAN JOSE ET AL

20 Defendant(s).

Case Number: _____

DECLARATION OF [name]

JEFFREY PAPA ECHIVARIA

IN SUPPORT OF TRO AND PI

TO STOP DESTRUCTION

OF MOTOR HOME I

am living in

22 I, [name] _____

23 declare as follows:

24 [In the first paragraph, explain who you are and how you are connected to the party or events
25 relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness,
26 say how you are involved.]

27 1. I am Jeffrey P. Echivaria, a two year
28 resident at the Columbus Park Encampment.

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

Rec 3-4: Describe yourself, how long you have lived here, and the domicile you inhabit.

3. I've been residing at Columbus Park since the beginning of the pandemic, March of 2020. At the beginning, I stayed in a tent with some friends.

4. As time progressed, I moved/stayed in a structure made of pallets, an abandoned R.V., and now I am living in an R.V.

Rec 5-7: Describe property destruction you have witnessed with specificity, attach photos.

5. ~~Previously~~ Before I knew my rights, I've been forced to re-locate ~~multiple~~ several times. The first time a bull dozer started to destroy my tent with me still in it.

6. The second time, my girlfriend had a nervous break-down, they destroyed the dwelling I made from pallets, destroyed most of my belongings, and unleashed

7. my dog who then was struck by a van & died. The third time, while I was away grocery shopping, my trailer and my belongings were set on fire on a rainy day. Presently, I am blessed to have an R.V., but am very worried of losing that too.

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

~~Rec 8-10: Describe with as much specificity as possible, the dangers that will result if the court does not intervene~~

8. Last week I got one of the attached
NOTICES IN [EXHIBIT A] onto my
trailer in [Exhibit B]

9. MY RV has difficulties steering and
I'm concerned I won't get it out in
time and it will be destroyed

10. If my trailer is destroyed
I will have no home, no shelter
and will be exposed to the cold and
elements.

~~Rec 11-12: Describe with as much specificity as possible, how the dangers you are facing are
foreseeable by the state actor.~~

11. Defendants have not offered
me accessible shelter - ONLY options
that are inaccessible

12. DEFENDANTS HAVE NOT COMPENSATED ME FOR ANY
PROPERTY they destroyed

DECLARATION OF _____ IN SUPPORT OF

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

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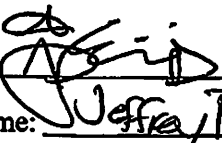
I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on [date] _____.

Signature: _____

Printed name: _____

Address: _____

Phone Number: _____


Jeffrey P. Chivaria

(669) 307-5273

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

A



EXHIBIT

B

WARNING

THIS VEHICLE MAY BE IN VIOLATION OF THE LAW AND SUBJECT TO REMOVAL AT THE OWNER'S EXPENSE

This vehicle may be in violation of one or more of the following:

- ☐ A vehicle may not be parked on a public street for more than 72 hours (3 days) without moving (San José Municipal Code 11.36.220). The vehicle may be cited and towed under California Vehicle Code section 22651(k) **WITHOUT FURTHER NOTICE.**
- ☐ A vehicle may not be parked in violation of posted rules including being parked for more than 72 hours (3 days) within City owned or operated facilities (California Vehicle Code 21113(a)). The vehicle may be cited and towed under California Vehicle Code section 22669(a) and/or 22651(n) **WITHOUT FURTHER NOTICE.**
- ☐ A vehicle may not be abandoned on a public street or other public property (California Vehicle Code section 22523). A vehicle parked and/or left on a public street or public property that is inoperable or is deemed a hazard is considered abandoned and may be removed **IMMEDIATELY.**
- ☐ Vehicles may not be driven or parked on a highway, public land, or an off-street parking facility without current registration (California Vehicle Code section 4000a). Vehicles found with a registration expiration date older than six months, and parked or driven on the highway, public land, or an off-street parking facility are subject to **IMMEDIATE** removal under California Vehicle Code Section 22651(o).

Note: Placement of this warning notice is a courtesy and not required under the California Vehicle Code. The absence or removal of the warning does not invalidate any enforcement action (citation or tow.)

VEHICLE ABATEMENT PROGRAM FREQUENTLY ASKED QUESTIONS

1. What does this orange warning notice mean?

The City of San José received a complaint that the vehicle is being stored or has been abandoned on a public street. We investigate every complaint. As a first step in investigating a vehicle, we place a warning notice on it. We will follow up after 72 hours (three days). If the evidence confirms that the vehicle is in fact being stored for more than 72 hours (three days) or is abandoned, it may be ticketed and/or towed.

2. Do I need to respond to this warning notice?

No – you DO NOT need to call, write, or email the City in response to the warning. However, please make sure the vehicle has current registration, is driven every 72 hours (three days), and is in drivable condition.

3. How long can a vehicle be parked on the public street?

A vehicle cannot be parked on the public street for more than 72 hours (three days) without moving (San José Municipal Code 11.36.220).

4. Can I park my car on the public street if the vehicle registration is expired?

No, vehicles may not be parked on the public street with an expired registration. The vehicle may be ticketed or towed.

5. How do I make sure my vehicle will not be towed?

If you're going to park on a public street, make sure the vehicle doesn't violate any posted parking rules, has current registration on file with the DMV, is in drivable condition, and is driven every 72 hours (three days).

6. Will the City always provide a warning notice before towing a vehicle?

No, the orange warning notice is not required by law and is placed on vehicles as a courtesy.

7. My car was towed, what do I do?

Contact the San José Police Department's Vehicle Records Unit at 408-277-4156 and be prepared to provide your vehicle license plate number.

For more information contact the City of San José (408) 535-3500 or www.sanjoseca.gov



Date / Time of Warning: 11/10/22 1319

Vehicle License #: N/A

Officer: SAUCEDA

Badge #: 4999

☐ Department of Transportation
☒ Police Department

1 Your name: JOHN ORTIZ

2 Address: Gaдалupe GARDEN, Columbus Park

4 Phone Number: _____

5 E-mail Address: _____

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 Mark Thompson et al

13 Plaintiff(s),

14 vs.

15 City of SAN Jose et al

20 Defendant(s).

Case Number: _____

DECLARATION OF [name]

JOHN ORTIZ

IN SUPPORT OF TRO and

TO STOP The destruction

of my motor Home

at the Gaдалupe Garden,
Columbus Park Encampment

22 I, [name] JOHN ORTIZ

23 declare as follows:

24 *[In the first paragraph, explain who you are and how you are connected to the party or events*
25 *relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness,*
26 *say how you are involved.]*

27 1. I am a+ Gaдалupe Garden, Columbus Park
28 AND I LIVE in a 42 foot DOLPHIN motor Home.

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

Rec 3-4: Describe yourself, how long you have lived here, and the domicile you inhabit.

3. I HAVE LIVED HERE FOR 5 MONTHS.
MY RV IS NOT BLOCKING TRAFFIC OR
IS A HAZARD.

4. A TRUE COPY IS IN EXHIBIT

Rec 5-7: Describe property destruction you have witnessed with specificity, attach photos.

5. I'VE OPENED UP MY HOME TO PEOPLE
WHO THE CITY HAS DESTROYED EVERYTHING.
MARK THOMPSON AND FRANK

6. IT IS FREEZING OUT, AND PEOPLE
HAVE NOWHERE TO GO

7. ON NOVEMBER 10TH, I RECEIVED THE
ATTACHED ABATEMENT NOTICE. ~~IT IS~~ EXHIBIT B
AND NOW THE CITY SAYS THEY WILL SEIZE IT
AND DESTROY MY LIFE LIKE THEY DID MARK THOMPSON

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

1 Rec 8-10 : Describe with as much specificity as possible, the dangers that will result if the court
2 does not intervene

3
4 8. THEY will destroy MY TOOLS, Food
5 Clothing - I'm trying to move But my
6 Motor Home has issues with its electrical system

7 9. NO ONE is offering HELP to move
8 to A NEW SAFE location - so I am
9 stranded AND could lose everything

10 10.
11
12
13

14 Rec 11-12 : Describe with as much specificity as possible, how the dangers you are facing are
15 foreseeable by the state actor.

16
17 11. They said, from Home First, said
18 they would HELP fix it (Vanessa Beretta)
19 She has not come No one has helped but
20 the Police are circling.

21 12.
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DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

1 *Rec 13-14 : Describe with as much specificity as possible, actions that the state actors*
2 *have shown deliberate indifference to the dangers you face, or inversely what they have or have*
3 *not done to mitigate those dangers.*

4
5
6 13. _____

7
8
9 14. _____

10
11
12 *Rec 15-16 : Describe in detail, what form of compensation or lack thereof, the state actor*
13 *has offered in exchange for taking your property.*

14
15 15. They Have offered NO Housing, NO
16 COMPENSATION for the seizure of my home.

17
18 16. _____

19
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21
22 *Rec 17-18 : Describe in detail, in what ways you are at risk for being arrested because of*
23 *your status of not having a home – or whether you have been arrested for involuntary acts of*
24 *survival in the past.*

25 17. They could arrest me for being here
26 with my motor home because I'm still trying
27 to move

28
DECLARATION OF _____ IN SUPPORT OF

1 18. _____

2 _____

3 19. _____

4 _____

5 _____

6 _____

7 *What else would you like the judge to know*

8 20. _____

9 _____

10 _____

11 21. _____

12 _____

13 _____

14 22. _____

15 _____

16 _____

17 23. _____

18 _____

19 _____

20 _____

21 22. _____

22 _____

23 _____

24 *Use these lines to add to other questions where you need more space. Label them the*
25 *number the question you are attaching to.*

26 _____

27 _____

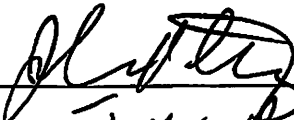
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DECLARATION OF _____ IN SUPPORT OF

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on [date] _____

Signature: 
Printed name: John P. Christ
Address: _____
Phone Number: _____

DECLARATION OF _____ IN SUPPORT OF _____



WARNING

THIS VEHICLE MAY BE IN VIOLATION OF THE LAW AND SUBJECT TO REMOVAL AT THE OWNER'S EXPENSE

This vehicle may be in violation of one or more of the following:

- ☐ A vehicle may not be parked on a public street for more than 72 hours (3 days) without moving (San José Municipal Code 11.36.220). The vehicle may be cited and towed under California Vehicle Code section 22651(k) **WITHOUT FURTHER NOTICE.**
- ☐ A vehicle may not be parked in violation of posted rules including being parked for more than 72 hours (3 days) within City owned or operated facilities (California Vehicle Code 21113(a)). The vehicle may be cited and towed under California Vehicle Code section 22669(a) and/or 22651(n) **WITHOUT FURTHER NOTICE.**
- ☐ A vehicle may not be abandoned on a public street or other public property (California Vehicle Code section 22523). A vehicle parked and/or left on a public street or public property that is inoperable or is deemed a hazard is considered abandoned and may be removed **IMMEDIATELY.**
- ☐ Vehicles may not be driven or parked on a highway, public land, or an off-street parking facility without current registration (California Vehicle Code section 4000a). Vehicles found with a registration expiration date older than six months, and parked or driven on the highway, public land, or an off-street parking facility are subject to **IMMEDIATE** removal under California Vehicle Code Section 22651(o).

Note: Placement of this warning notice is a courtesy and not required under the California Vehicle Code. The absence or removal of the warning does not invalidate any enforcement action (citation or tow.)

VEHICLE ABATEMENT PROGRAM FREQUENTLY ASKED QUESTIONS

1. What does this orange warning notice mean?

The City of San José received a complaint that the vehicle is being stored or has been abandoned on a public street. We investigate every complaint. As a first step in investigating a vehicle, we place a warning notice on it. We will follow up after 72 hours (three days). If the evidence confirms that the vehicle is in fact being stored for more than 72 hours (three days) or is abandoned, it may be ticketed and/or towed.

2. Do I need to respond to this warning notice?

No – you DO NOT need to call, write, or email the City in response to the warning. However, please make sure the vehicle has current registration, is driven every 72 hours (three days), and is in drivable condition.

3. How long can a vehicle be parked on the public street?

A vehicle cannot be parked on the public street for more than 72 hours (three days) without moving (San José Municipal Code 11.36.220).

4. Can I park my car on the public street if the vehicle registration is expired?

No, vehicles may not be parked on the public street with an expired registration. The vehicle may be ticketed or towed.

5. How do I make sure my vehicle will not be towed?

If you're going to park on a public street, make sure the vehicle doesn't violate any posted parking rules, has current registration on file with the DMV, is in drivable condition, and is driven every 72 hours (three days).

6. Will the City always provide a warning notice before towing a vehicle?

No, the orange warning notice is not required by law and is placed on vehicles as a courtesy.

7. My car was towed, what do I do?

Contact the San José Police Department's Vehicle Records Unit at 408-277-4156 and be prepared to provide your vehicle license plate number.

For more information contact the City of San José (408) 535-3500 or www.sanjoseca.gov



Date / Time of Warning: 11/10/22 1319

Vehicle License #: N/A

Officer: SAUCEDA

Badge #: 4999

☐ Department of Transportation
☒ Police Department

CONTACT

US COURT
DISTRICT of NOR CALGregory "Eugene" Blackwell
195 EAST SAN FERNANDO
SAN JOSE, CA, 95112

Mark Thompson et al

V

CITY OF SAN JOSE et al

DECLARATION OF
GREGORY BLACKWELL IN
SUPPORT OF TRO TO
STOP DEFENDANTS FROM
DESTROYING MY TRAILER AND
ALL MY WORLDLY BELONGINGS

I, Eugene Gregory Blackwell, declare under penalty that I am the plaintiff in above matter, entitled case and that information I offer throughout this Application is true and correct. I offer this information application in support of my request to proceed without being required to prepay the full amount of fees, cost or give security. I state that because of my poverty I am unable to pay cost of this action or give security and I believe that I am entitled to relief in support of this Application. I provide this information.

Are you presently employed? No

January 2012 with the Amount \$11.00 An HR 20 hrs a week

In the last 12 months I have received \$150.00
a month Recycling bottles & can

3. Are you married? No
4. Do you own or buying your own home? No
5. Do you own a automobile? ~~Yes~~ Yes
Is it financed? No 2005 Honda Civic
7. Do you have a bank Account? No

I am at risk losing all my personal belonging that I have to my name. this personal belonging include but not limited to items belonging to my mother whom has past away in February 16, 2022.

Attached in exhibit A is a picture of my trailer that I have no way of moving at the moment. In exhibit B is a picture of the notice that has been posted.

I declare under penalty of perjury that the foregoing is true and correct.

November 16, 2022.

Ginger Eugene Kistall

A

A

EXHIBIT B
WEDNESDAY FROST ADVISORY
SAN JOSE



Winter Weather Conditions for the West; Severe Weather Potential for the South on Tuesday

A strong cold front will track across the Intermountain West today accompanied by strong winds, heavy snow and elevated fire weather conditions for portions of the western High Plains. This storm is forecast to intensify on Tuesday across the Plains. Moisture will quickly advance northward across the middle and lower Mississippi Valley where tornadoes and damaging winds are expected. [Read More >](#)

Current conditions at

San Jose / Reid / Hillv (KRHV)

Lat: 37.33333° N Lon: 121.81667° W Elev: 135 ft.



Mostly Cloudy

48°F
9°C

Humidity 66%
Wind Speed N 0 MPH
Barometer 30.04 in (1017.27 mb)
Dewpoint 37°F (3°C)
Visibility 10.00 mi
Last update 27 Nov 09:52 PM PST

Detailed forecast for

Santa Clara Valley Including San Jose

Today

Partly cloudy in the morning then becoming sunny. Highs around 60. Northwest winds 5 to 15 mph.

Tonight

Mostly clear. Lows in the upper 30s. Northwest winds 5 to 10 mph.

Tuesday

Sunny. Patchy frost in the morning. Highs in the upper 50s. Northwest winds 5 to 15 mph.

Tuesday Night

Mostly clear. Areas of frost after midnight. Lows in the mid 30s. Northwest winds around 5 mph...becoming southeast after midnight.

Wednesday

Partly cloudy in the morning then becoming sunny. Areas of frost in the morning. Highs around 60. South winds 5 to 10 mph.

Wednesday Night

Partly cloudy in the evening then becoming mostly cloudy. A chance of rain. Lows in the upper 30s to mid 40s.

Thursday

Rain. Highs in the mid 50s.

Thursday Night

Mostly cloudy in the evening then becoming partly cloudy. A chance of rain. Lows in the mid 30s to lower 40s.

Friday

Partly cloudy. A slight chance of rain. Highs in the mid 50s.

Friday Night

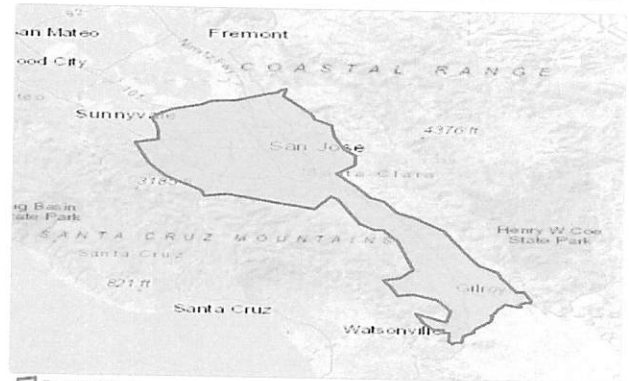
Mostly clear in the evening then becoming mostly cloudy. A chance of rain. Lows in the mid to upper 30s.

Saturday And Saturday Night

Rain likely. Highs in the mid 50s. Lows in the lower 40s.

Sunday

Mostly cloudy. A chance of rain. Highs in the mid 50s.



Forecast Area

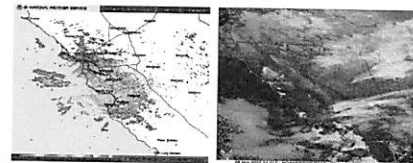
Last Update:

601 AM PST Mon Nov 28 2022

Forecast Discussion

Additional Resources

Radar & Satellite Image



Hourly Weather Forecast

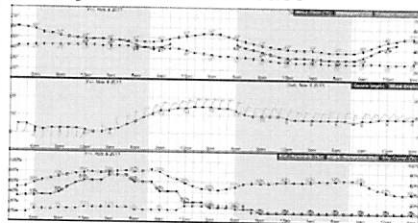


EXHIBIT C
DECLARATIONS OF:
DULCE CHAVEZ
SARAH LEE CUMMINGS,
RYAN HOPE,
ELIJAH CANTU
NICHOLE SCHLOSSER
ROSEMARIE ESTRADA PINEDA,
SOPHIA CARTER HANDS
SAM RUNLES,
JULIO CESAR MAGANA GONZALES,
MIGUEL CRUZ NAJERA
ANDREA NESBIT,
GABRIELLE AGUIRRE
MARIENA ACOSTA
PATRICIA GONZALES
LUCIANO ROSALES
ANTHONY GARZA
GREGORY BLACKWELL

1 Your name: Dulce Chavez
 2 Address: Homeless in
 3 Columbus Park
 4 Phone Number: (408) 824-2286
 5 E-mail Address: late.122.10+23@gmail.com
 6 ~~ma.ing address~~ 132 RANCHO DE. #168
 7 SAN JOSE CA, 95111

8
 9 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

10 DULCE CHAVEZ

11
 12 Plaintiff(s),

13 vs.

14 City of San Jose

15 VANESSA BERRETTA

16 SANDRA MURILLO

17 SETH TURNER, PAUL PERRERIA

18 TUCKER CONSTRUCTION HOME FIRST

19 Gym & A Westway on
 20 Defendant(s).

Case Number: _____

DECLARATION OF [name]

DULCE CHAVEZ

IN SUPPORT OF T.R.O.

21
 22 I, [name] Dulce Chavez

23 declare as follows:

24 [In the first paragraph, explain who you are and how you are connected to the party or events
 25 relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness,
 26 say how you are involved.]

27 1. I am homeless & have been
for 8 years

28 living here at Columbus park
for 2 years.

DECLARATION OF DULCE CHAVEZ IN SUPPORT OF
T.R.O. & COMPLAINT

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

Rec 3-4: Describe yourself, how long you have lived here, and the domicile you inhabit.

3. ~~Fifth wheel hitch a big mirror~~
a ~~trek bike~~ in a single Hispanic
girl ~~was~~ living with my boyfriend
4. we have ~~6 dogs~~ 6 dogs, we are
homeless, living at Columbus park until
further notice.

Rec 5-7: Describe property destruction you have witnessed with specificity, attach photos.

5. ~~Fifth wheel hitch (to move) oct 22)~~ Exhibit A
my trek bike oct 22) Exhibit B
Generator oct 22) ~~Exhibit C~~
6. a trailer oct 22) ~~Exhibit D~~ EXHIBIT D

7.

DOLCE GARCIA

DECLARATION OF we are still IN SUPPORT OF

living at Columbus park. TRO & COMPLAINT

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

Rec 8-10 : Describe with as much specificity as possible, the dangers that will result if the court does not intervene

8. a fear a being arrested
 if i get pulled over cuz
 i have a warrant afraid of loosing
 9. my trailer and my truck.
 also afraid of loosing my
 dog to animal shelter.
 10. and am pregant and getting
 sick over all stress.

Rec 11-12 : Describe with as much specificity as possible, how the dangers you are facing are foreseeable by the state actor.

11. _____

12. _____

DECLARATION OF DOLCE CHAVEZ IN SUPPORT OF
TRO. COMPLAINT, DECLARATION

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

Rec 13-14 : Describe with as much specificity as possible, actions that the state actors have shown deliberate indifference to the dangers you face, or inversely what they have or have not done to mitigate those dangers.

13. Vanessa Beretta & Sandra Murillo said we could part one trailer but not a second trailer
14. glo said we could not have my truck parked at the safe parking.

Rec 15-16 : Describe in detail, what form of compensation or lack thereof, the state actor has offered in exchange for taking your property.

15. I was offered a measly \$500 GIFT CARD WHICH COULD NOT BE REDEEMED AS CASH WITH MAXIMUM PENALTY FEES. MY BELONGINGS
16. ALL TOGETHER COMES TO A VALUE OF \$15,000 and I would not ~~take~~ accept the \$500 GIFT CARD COMPARED TO ALL WORTH

Rec 17-18 : Describe in detail, in what ways you are at risk for being arrested because of your status of not having a home – or whether you have been arrested for involuntary acts of survival in the past.

17. I have we are always be harass by cops and me having a warrant puts me in risk all the time - of losing my home as im settling my case

DECLARATION OF POLICE CHAVEZ IN SUPPORT OF

PRO. COMPLAINT & DECLARATION

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

18.

19.

What else would you like the judge to know

20. they promised to help fix air
vents and to help with tag
for the trailers but never helped

21. thanks to take I already
lost my trailer.

22. also being pregnant
is also stressing me out
so much can make me to
lose my baby is I continue
23. stress so much.

22.

Use these lines to add to other questions where you need more space. Label them the
number the question you are attaching to.

DECLARATION OF DELCE CHAVEZ IN SUPPORT OF

PRO DECLARATIONS COMPLAINT

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on [date] _____.

Signature: _____

Printed name: Dulce Chavez

Address: Humble 1255 at

Phone Number: Columbus

(408) 822-2286

DECLARATION OF _____ IN SUPPORT OF _____



Contact info

Nichole M. Schlosser
408.413.7135

U.S. COURT
DISTRICT OF NOR CAL

Commence et al

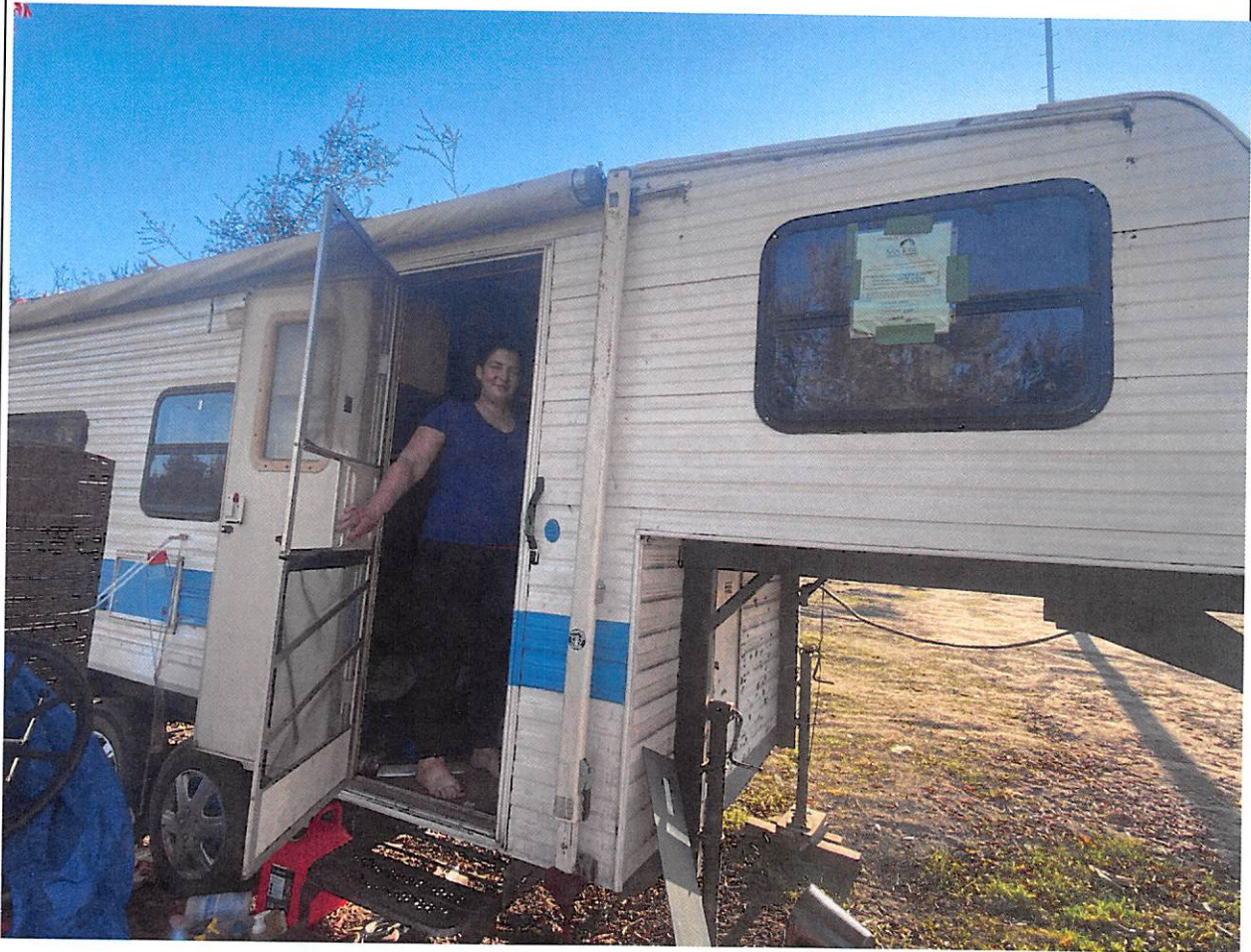
DECLARATION of
Nichole Schlosser
IN SUPPORT OF TRO

✓
COPY of San Jose

✓ I lived in Spring Street for about 4 years w/out any issues. Then I was told I had to move it off the street or they would tow me. So I moved it. Then they told me to move it off Spring Street to a designated area. Then I paid once again to be moved. And a week went by and they were at my door harassing me once again. So once again I had to pay to be towed to where they told me I would be safe. Stayed about 2 weeks. Then they came back putting signs and flyers on and around my RV saying I had to move to the baseball field. So again I had to pay to tow it and they came and destroyed all my friends' neighbors tent w/ everything in it.

so After I moved to base ball diamond field where they told me to put it and it would be safe.. the cops were at my r.v with tucker saying I had a couple days and its only temporary.. After that I would come home and all my stuff kept getting taken.. little by little.. they took alot of my Expensive stuff, even after they told me to put Everything underneath.. they took it all. Also was told they took ~~my~~ my personal info I gave to the housing Authority and ran a Criminal background check on my husband And I w/ out my or his Consent!!

M. M. Solh



1 Your name: ROSEMARIE Estrada Pineda

2 Address: 1634 Lewis Rd.

3 San Jose CA - 95111

4 Phone Number: 409-331-8665

5 E-mail Address: ROSEMARIEestradaPineda808@gmail.com

6
7
8
9 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 Case Number: _____

11 DECLARATION OF [name]

12 ROSEMARIE ESTRADA PINEDA

13 IN SUPPORT OF TRO & PI

14 Plaintiff(s),

15 vs.

16 City of San Jose et al

17
18
19
20 Defendant(s).

21
22 I, [name]

ROSEMARIE Estrada Pineda

23 declare as follows:

24
25 [In the first paragraph, explain who you are and how you are connected to the party or events
26 relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness,
27 say how you are involved.]

28 1.

I am a resident of Santa Clara County

and City of San Jose, @ Columbias Park, San Francisco
USA. I am a mother

DECLARATION OF me I am living @ Columbias Park IN SUPPORT OF

Rescinding Order against the San Jose City Department

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev. 2015]

2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

Rec 3-4: Describe yourself, how long you have lived here, and the domicile you inhabit.

3. Hi my name is Rosemarie I have children but not with me because I'm homeless there with there kids + I thought safe. I lived here for 2 yrs.

4. I live in a trailer (pull trailer) that was given to me, for taking care of Mom (Dad) plus I have another trailer that was given to me from Angelica.

Rec 5-7: Describe property destruction you have witnessed with specificity, attach photos.

5. They have destroyed my evidence that I have been gathering for my family + friends + business, + homes. I've gathered

6. things that I have seen thrown at the creek making it look like a mess. Seeing it came from my children's home. Were

7. they were ransacked by people who are doing home invasions. So I bring things back to my camp & here they come & take my stuff from my spot having a permit, notice from Vanessa. All my kids things were gone again.

DECLARATION OF _____ IN SUPPORT OF _____

1 Rec 8-10 : Describe with as much specificity as possible, the dangers that will result if the court
2 does not intervene

3
4 8. they want to destroy everything I
5 have. my trailer they want to buy
6 for \$500.00 but then they

7 9. destroy it in front of me +
8 the police tell us to leave. tomorrow
9 away. I can't be in my area. or

10 10. go to jail. Were being punked,
11 threatened by them. they just stand there
12 & look @ us.
13

14 Rec 11-12 : Describe with as much specificity as possible, how the dangers you are facing are
15 foreseeable by the state actor.

16
17 11. If they take me to jail like they
18 have in the past. I come to nothing
19 at all everything gone I have nothing to
20 keep me warm at night, no where to rest my
21 head @ night nowhere to be safe.
22 12.

23
24
25
26
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28
DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

1 Rec 13-14 : Describe with as much specificity as possible, actions that the state actors
 2 have shown deliberate indifference to the dangers you face, or inversely what they have or have
 3 not done to mitigate those dangers.

4
 5
 6 13. They have offered me \$500.00 for my trailer
 7 which is an insult to me & Jessie Rodriguez & kids. They
 8 want to destroy my trailer in front of me.

9 14. Laugh in my face like they did to
 10 my other friends.

11
 12 Rec 15-16 : Describe in detail, what form of compensation or lack thereof, the state actor
 13 has offered in exchange for taking your property.

14
 15 15. Well know I have no proof of the things
 16 I had against the workers & police that they
 17 have brought out here from our homes.

18 16. I have seen them bring this stuff
 19 out.

20
 21 Rec 17-18 : Describe in detail, in what ways you are at risk for being arrested because of
 22 your status of not having a home – or whether you have been arrested for involuntary acts of
 23 survival in the past.

24
 25 17. They are the reason why I don't have
 26 a home. Anytime they see me (us) they
 27 pull over & arrest us & take us to jail for
 28 no reason @ all.

DECLARATION OF _____ IN SUPPORT OF _____

18.

19.

What else would you like the judge to know

20. It's not fair I lived here all my life & I went homeless to see what's going on with my kids + Dads + City. Wether were

21. Homeless or have a home ^{we} Jessie or Mom has brought our (he's) home they terror- us, kids, they treaten us & take everything

22. in our home. now there trying to take our ~~cars~~. my trailer. that belongs to

23. Jessie Rodriguez. even CPS. have threaten us to take our kids. they have sum of our kids. & put on kids in juv,

22. Prison. like they have & want to do me.

Use these lines to add to other questions where you need more space. Label them the number the question you are attaching to.

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on [date] _____.

Signature: _____

Printed name: _____

Address: _____

Phone Number: _____

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

1 Your name: Sophia Carter Hands

2 Address: _____

4 Phone Number: Friends phone 669-977-8879

5 E-mail Address: _____

8
9 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 Cummings et al

13 Plaintiff(s),

14 vs.

15 City of San Jose et al

20 Defendant(s).

Case Number: _____

DECLARATION OF [name]

Sophia Carter Hands

IN SUPPORT OF TRO & PI

22 I, [name] Sophia Carter Hands

23 declare as follows:

24 [In the first paragraph, explain who you are and how you are connected to the party or events
25 relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness,
26 say how you are involved.]

27 1. I am a resident at Guadalupe Gardens
28 I have lived here for two years

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

3. Two months ago or there about, two City of San Jose Employees tagged my home for 72 Hour Notice To vacate

4. MY TRAILER was a Fifth wheel That HOOKS up to a vehicle. I did not have a vehicle to tow it.

5. They told me MY options were to have it destroyed, OR and seized, OR sell it for \$500.00 Gift Card

6. I accepted thinking it would be cash, Because I had no choice and was under duress. My trailer was much more important

7. than a \$500. Gift card. I lost everything I had, Blankets, clothes, Food, water, Right in the dead of winter.

8. They destroyed three electric scooters that I relied on for TRANSPORTATION, as well as MY COOKING SUPPLIES AND SMOKER.

9. I NOW DON'T HAVE a Hardsided Shelter with a door I could LOCK.

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

[Insert this page if you need extra space. Number each paragraph.]

1 They didn't offer me any housing
2 or shelter - they just took everything and pretended
3 they were going to help - they said housing
4 was a different agency.
5
6
7

8 I have been struggling with the
9 cold weather, I don't have a place to store
10 clothes and food - I AM living out
11 of my back pack
12

13 I AM NOBODY'S TROUBLE. BUT I did
14 TAKE A GREAT LOSS OUT HERE including my
15 BELOVED PET CAT, MOUSSE MOUSSE!! I WAS TRYING
16 to do the right thing STARTING FROM SCRATCH.
17 I ENDED UP IN THE END WITH NOTHING AT
18 ALL BARELY THE SHORES THAT HOLD MY VERY SOUL.
19 IF POSSIBLY TO LIKE A GET SOMETHING OF VALUE
20 IN RETURN SO I CAN START OFF ON THE
21 RIGHT FOOT AND MAKE IT A FEW STEPS FORWARD
22 GETTING KNUCKLED DOWN FEELS SO EASY WHEN
23 THE LAW & AN AGENCY STAND APOUS MY HEAD
24 MY HEART & MY HOME. IF THERE ANYTHING I
25 CAN DO TO ASSIST IN THIS CRISIS I AM AVAILABLE.
26
27
28

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on [date] _____.

Signature: _____

Printed name: _____

Address: _____

Phone Number: _____

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

US COURT
District of NOR CAL

Cummings et al
✓
City of San Jose

DECLARATION OF
SAM RUNLES IN support
OF TRO AND PRELIMINARY
INJUNCTION

My Name is Sam Runles, on November 18th 2022 the trailer I was living in, in San Jose Ca. The trailer I was living in was destroyed by the city of San Jose workers. I now am further displaced with NO alternative offered, nor was any compensation or other options offered

I declare under penalty of perjury that the foregoing is true and correct & understand that the false statement herein may result in a dismissal of my claims

11/26/22 Sam Runles

207 PAMELA AVE
SAN JOSE CA, 95116

US COURT

Cummings et al

✓

City of San Jose

DECLARATION OF

ANDREA

NESBIT

IN SUPPORT OF

TRO & PI

I andrea NESBIT DO DECLARE

I have lived in Guadalupe Gardens
for the past five years.

I have been Harassed, Berrated, and
belittled by staff of the City of
San Jose, Primarily Sandra Muvillo, Officer
Hoopes, Paul Pereira, and Vanessa Barretta

Just week, ON NOVEMBER 14th the trailer I was living in was destroyed by Vanessa Beretta.

Vanessa Beretta said she would not work with me on Housing, ~~But~~ But has not said why.

She egged the city workers ON NOVEMBER 14th to DESTROY the trailer I was living in because she has a personal grudge against me.

Then they agreed to help my friend pull her trailer out. While moving it, the CITY BROKE the trailer.

Because it was broken, because of their negligence, ~~they ~~let~~ to~~ SANDRA MURILLO ~~started~~ said she would have to sell the trailer because it would be crushed either way.

I've tried being in the tiny homes
but I'm not going to go to tiny
homes until I have a guarantee
my trailer and my possessions are
in.

I have lived on the streets
for 10 years they have constantly
been destroying my property
They have never stored anything
They always destroy all your
property.

I declare under the penalty of perjury
that I (Andrea Nicholas Nestor)

Andrea Nestor

US COURT
DISTRICT OF NOR CAL

Cummings et al
v
city of San Jose

DECLARATION OF
Miguel Cruz Nájera
IN SUPPORT OF TRO & PI

26/11/22

Mis cosas fueron Recogidas y puestas en la Basura mientras que ayudaba a mover una trayla de mis compañeros en cuestión de menos de 15 minutos que regrese para seguir recogiendo mis cosas como el cual se negaron a que lo hiciera ahí perdi mi generador y otras cosas de valor ya quedando solo con mi camioneta ya estando en el parque de Bayssol fue que vender mi camioneta para poder comprar una Trayla ya al tener la tralla yo no estaba en buen momento cual ya venia del baño cuando miro pasar mi trayla cual iban siguiendo tanto como trabajadores y los policia cuando me aserque y pregunte porque la tomaron y su contestacion respuesta fue me dieron la orden pregunte quien fue y me mandaron uno a otro entonces les dije que me dejaran tomar mis cosas cual tambien se negaron el cual habi Tomaron destruyeron y Todo ala Basura cual perdi Herramienta de trabajo mis cosas que hacaba mi ropa y dinero que tenia al lado cual hece dia me dejaron sin nada ni un techo donde dormir sin dinero sin ropa y mi Herramienta que es mi fuente ingreso para Sobrevivir cual me acostado de maciado ya que no puedo hacer mis trabajos no tengo dinero para comprar nada el cual en este momento me encuentro debajo de una carpa pasando frio

al perder la trajla en cuanto yo les
pregunto cada vez que vienen que paso quien
me responde por mis cosas de la trajla y mi
ropa y money y siguen en lo mismo ve con
tal persona y me mando con otra persona
y no me resuelven nada ya que me cuesta ag

26/11/22

al perder la trajla en cuanto yo les pregunto

Cada vez me mandan con una o otra persona y

me quieren resolver por mis cosas como la

Trajla ropa y more y siguen en lo mismo y

no me resuelven nada de mis cosas ya que me

en cuatros en esta situacion en la que no puedo

Tomar Trabajo por mis Brasos que tengo operadas

y manos en la situacion que tengo mis manos

Mi nombre es Miguel Angel cruz ~~Najera~~

Najera

1 Your name: Julio Cesar magaña Gonzalez

2 Address: 195 Est San Fernando

4 Phone Number: (408) 767-3884

5 E-mail Address: mr. Gancito @ G mail. com

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Cummings et al

Plaintiff(s),

vs.

City of San Jose
et al

Defendant(s).

Case Number: _____

DECLARATION OF [name]

Julio Cesar magaña

IN SUPPORT OF TRO & P5

I, [name] Julio Cesar magaña Gonzalez

declare as follows:

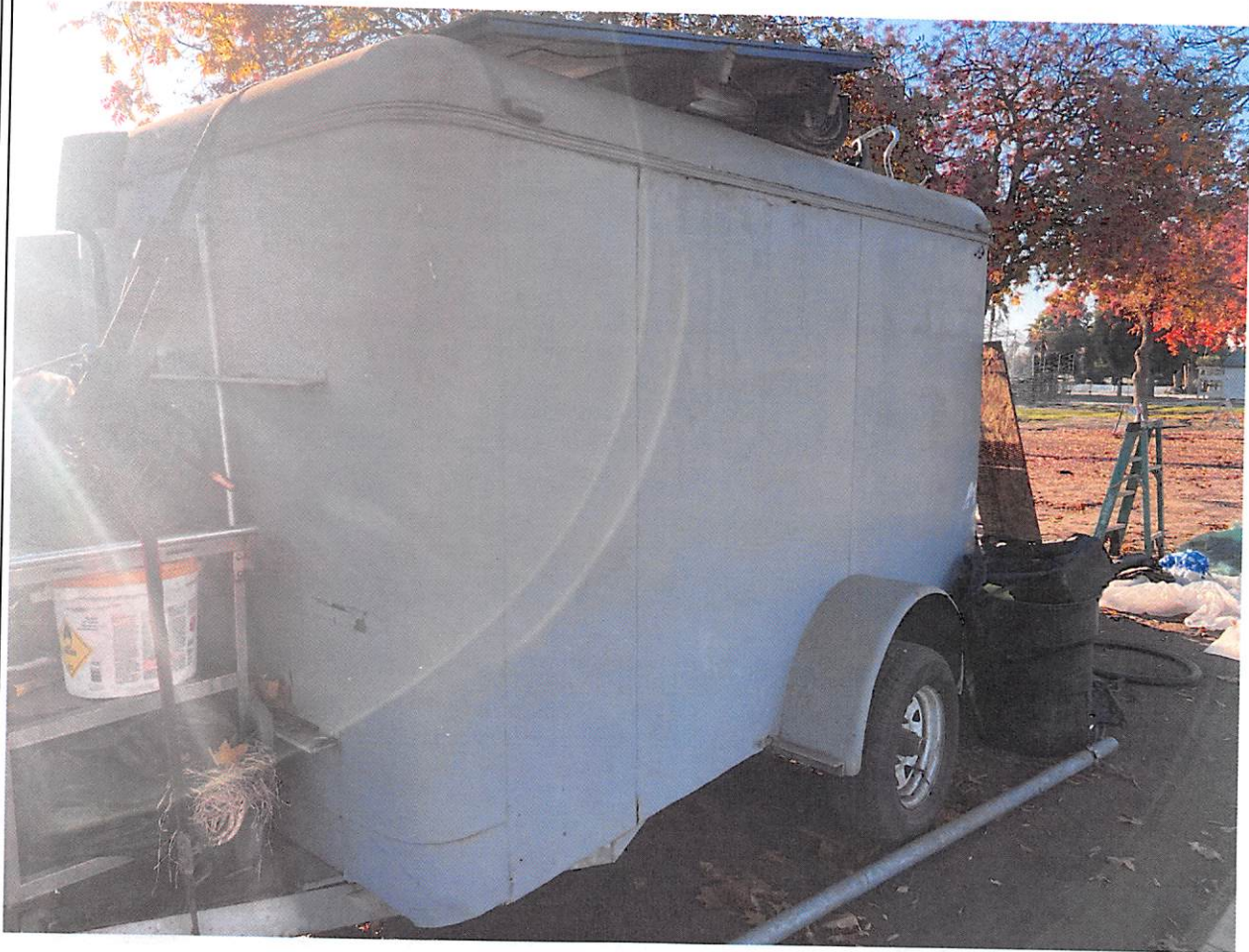
[In the first paragraph, explain who you are and how you are connected to the party or events relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness, say how you are involved.]

1. I am Living Guadalupe en fin
For 6 months

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]





2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

3. I declare that statements a Clodig Tash attached by my are true and accurate.

4. Julio Cesar Magaña Gonzalez

5. about three months the city of San Jose destroyed my camp in Guadalupe Gardens.

6. I am a painter, but have lost work because I have a major debilitating Heroin. I live in excruciating pain.

7. in the beginning of the month Vanessa Beretta said she would have my camp destroyed at the end of the month.

8. It is now the end of the month. I cannot comply because of my Heroin is too excruciating.

9. Moving my camp could cause more tearing of the muscles, and cause my internal organs to push out of them.

DECLARATION OF Julio Cesar Magaña Gonzalez IN SUPPORT OF
restraining order against the
CASE NO. city of San Jose PAGE 1 OF 1 [JDC TEMPLATE Rev. 2015]

1. destroying my camp, with my sleeping
 2. Bag, food, clothing will put my life
 3. IN DANGER. Straining my hernia
 4. could cause Permanent INJURY.

16. I declare under penalty of perjury under the laws of the United States that the foregoing is
 17. true and correct and that this declaration was executed on [date] November 26

19. Signature:

20. Printed name:

21. Address:

22. Phone Number:

Julio Cesar Magaña Gonzalez
(408) 767-3884
195 San Fernando St. 2

28. DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

Gabriella Aguirre
Columbus Park.

669 290 0546 or 408 440 8141

jewelcdmcan1@gmail.com

mailing Address

2726 Millbrae Way

San Jose Ca 95121

United States District Court
Southern District of California

Gabriella Aguirre
(Plaintiff(s))

vs.

City of San Jose
Defendant(s)

Case Number
Declaration of [name]

In support of

I (name) Gabriella Aguirre declare as follow:

[In the first paragraph, explain who you are and how you are connected to the party or events relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness say how you are involved.]

I am ~~plaintiff~~ a resident of the Columbus Park homeless community that has had my living quarters destroyed by the city of San Jose on. Tues. Nov. 15th at 1:57pm. (video & photo attached).
Declaration of

In support of

On Nov. 15, 2022 at approximately 1:57pm. My Trailer where I lived in in an attempt to protect myself from the cold, was destroyed. after the city attempted to relocate the trailer from the baseball field to ~~the~~ Spring Street and Ashbuen. This was to be a new location that the city assigned to us even though the ~~than~~ flatbed that was used to move the trailer did not had current tags. Due to monetary issues. During this moved the city gave me a little less than 1.5hrs to get as much ~~also~~ of my belongings as I could but at the same time they were trying to convince me to just let go. The trailer got destroyed ~~even~~ in my precense. The previous week the city had also come and threw away belongings (personal) that were packed in Plastic bins with lids that did not looked like garbage. in those containers I had my wallet with my ID's, SS# card, birth certificates, Important paperwork. Making it hard now to acquired any type of Identification. I was under the impresion that personal pebelngings were gona be stored by the city up to 60 days. The day my personal belongings got thrown out officer hoopes kept on raising his voice at me ordering me to get what I needed away or it was gonna be thrown out. I had also 1 big bag off Dog food in two containees with 60 packages of wet dog food. That got thrown out. with out any form of replacing. After all of my belongings being trashed. further more on previous occacions when moved from each of the zones from Zone 1 to Zone 3 I have lost so many personal items I have lost a puppy less than 6months old that got spocked by the bulldozer and ran away from

my camp disoriented and end up running into the street getting hit by a minivan that took off without checking if she was ok. Dying at the pet hospital due to internal bleeding, leading a Nervous break down the same day. On the move from zone 2 to zone 3 I had the stuff I was gonna keep in different moving devices (dollies)carts, And simple dollies I stated more than once that anything with wheels needed not to be moved but everything else could be thrown out. instead everything on wheels was being trashed in the causing a second nervous breakdown since in one of those bins I had placed my key to a ²⁰⁰⁰ Nissan Altima I owned at the time. which replacing it cost \$250 since it was a chipped key. On the same key chain I also had the chip key of my daughter of Honda Civic which cost me \$275 to replace. And the locks I had to replace since the keys were on the same keychain. On the move from zone 3 to Columbus park I had a working Generator of 2800 watts that powered 5 different camps. in order to keep warm, charged phones and flashlights, even though it was in good condition it was lost in the process at the abandoment. On November 15th 2022 I was not the only one displaced by my trailer being destroyed there was 3 other people living there staying away from the cold. And a family of cats whom consider my trailer their home even though they were stray animals they were staying there.

I here by that the forthing is truth under the pledge of perjury.
~~John Doe~~ 11/26/2022

1 Your name: Mariena Acosta

2 Address: Columbus Park

4 Phone Number: 909-243-7869

5 E-mail Address: MrsGee1w@gmail.com

8
9 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 Mariena Acosta

Case Number: _____

DECLARATION OF [name]

12 Plaintiff(s),

IN SUPPORT OF _____

14 vs.

City of San Jose

20 Defendant(s).

22 I, [name] Mariena Acosta

24 declare as follows:

25 [In the first paragraph, explain who you are and how you are connected to the party or events
relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness,
say how you are involved.]

27 1. I am Plaintiff

28 DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

ZKM d
Calver

2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

3. Sep ~~15~~ 2022 I've been out her since Jan 2019
 My Flatbed was destroyed with all
 my belongings in transition
 to my new place through
 Rapid Rehousing they offered
 me 500 for my flat bed and
 all its contents which had
 my clothing, jewelry, my
 grandma's ashes and other
 things that are irreplaceable
 they way they went about
 things using their authority
 to destroy are belongings without
 giving us a chance to make arrangements
 they were rude and very
 disrespectful because we're homeless
 total disregard for respect it hurts
 yes we're homeless but we're human and
 deserve respect Not all homeless
 are bad yes there is the bad apples
 but how does that is that right

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

[Insert this page if you need extra space. Number each paragraph.]

For the Police to treat us like Animals
 Harass us wherever they want Destroying
 and or taking whatever they want Why
 is it Okay for them to get away
 with the things they do when if
 it was us taking or destroying there
 Belongings ~~now~~ we would be arrested
 or charged with a felony my Grandmas
 Ashes I could never get back and
 that is a pain I've got to continue
 to carry why is that Okay I had to
 find out when I returned to finish
 Making they took upon themselves to
 take my things I just hope more
 resources more employment a
 chance to get off the street.

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

1 _____
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14 _____

15
16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct and that this declaration was executed on [date] _____
18

19 Signature: _____

20 Printed name: _____

21 Address: _____

22 Phone Number: _____
23
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DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

Patricia Gonzalez

Columbus PARK

(669) 328-1140

PATG198940@gmail.com

United States District Court
Southern District of California

Patricia Gonzalez

(Plaintiff)

VS

City of San Jose

(Defendant)

Case#

Declaration of
(Name)

in Support of

I PATRICIA GONZALEZ
Resident of Columbus PARK/
Guadalupe garden

I Am wanting to have a
Complaint to Restrain the City of
San Jose, Certain organizations
like lifemoves, Homefirst. Because
of harassment/ forcing us out
of also as well telling us to
please leave or else we will
be Demolished. RV's, Vans, Cars.

I would like for you to
take this matter into consideration
and stop them from to force them-
selves.

I Declare Under Perjury Under
the laws of the United States
that the foregoing is true/
correct and that this Declaration
was executed on NOV. 26, 22

Patricia Gonzalez

1 Your name: LUCIANO ROSALES

2 Address: 428 S. King RD.

3 SAN JOSE, CA. 95116

4 Phone Number: 408) 771-2089

5 E-mail Address: N/A

8
9 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 Case Number: _____

11 DECLARATION OF [name]

12 LUCIANO ROSALES

13 IN SUPPORT OF TRO 3 & 4

14 Plaintiff(s).

15 vs.

16 CITY OF SAN JOSE.

17
18
19
20 Defendant(s).

21
22 I, [name] LUCIANO ROSALES

23 declare as follows:

24 [In the first paragraph, explain who you are and how you are connected to the party or events
25 relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness,
26 say how you are involved.]

27 1. I am a Resident @ Columbus PARK /
28 Guadalupe Gardens.

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

3. I have been out @ Columbus PARK since JUNE 1st 2019 @ the beginning everything was OK until 4. months later, we were posted to make a 72 Hr notice so moved our RV. to the end of the field we 5. were there for a while til we were posted again w/ a 72 Hr. noticed 6. then they started harrassing the City of San Jose was being 7. bothered always to sell the RV for 500.00 giftcard / no cash 8. was offered but I have lost a lot of things my Van was towed w/ no permission it was 9. forced. I have been dealing w/ Depression / and anxiety / I can't sleep (sleeping problems). 10. I've lost my whole life as it seems / Because of the harrassing & always bothering me.

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

1 *[Insert this page if you need extra space. Number each paragraph.]*

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DECLARATION OF _____ IN SUPPORT OF

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on [date] _____

Signature: Luciano Rosales
Printed name: LUCIANO ROSALES
Address: 428 S. King Rd.
San Jose, Ca. 95116
Phone Number: 408) 771-2089

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

1 Your name: Anthony Garza

2 Address: _____
3 Columbus Park

4 Phone Number: 669-302-9151

5 E-mail Address: antgee283@gmail.com

6
7
8
9 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 Anthony Garza

) Case Number: _____

) **DECLARATION OF** *[name]*

11
12
13 Plaintiff(s),

14 vs.

) **IN SUPPORT OF** _____

15 City of San Jose

16
17
18
19
20 Defendant(s).

21
22 I, *[name]* Anthony Garza

23 declare as follows:

24
25 *[In the first paragraph, explain who you are and how you are connected to the party or events relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness, say how you are involved.]*

26
27 1. I am plaintiff

28
DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ *[JDC TEMPLATE Rev.2015]*

2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

Rec 3-4: Describe yourself, how long you have lived here, and the domicile you inhabit.

3. My name is Anthony Garza and I am a veteran that was promised housing since moving to Columbus park from the "Field". I have been in this "Field" and Columbus park since December of last year 2021.

Rec 5-7: Describe property destruction you have witnessed with specificity, attach photos.

5. On November 2nd 2022, the City threw my belongings away in a Garbage truck wich included my 6 man tent, my clothes, my Bluetooth speaker, and my cell phone, and my bicycle.

7.

DECLARATION OF _____ IN SUPPORT OF _____

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE Rev.2015]

408-768-3694

US Court

Cummings & ai

v

CITY of SAN JOSE et al

DECLARATION OF
GREGORY BLACKWELL
IN SUPPORT OF TRO

On November 23 2022 I had an accident that left me with a foot injury. I have tried to work with the injury, however it started to get worst I have been told to let it rest for a couple of days and stay off it.

I witnessed the police officer and city worker interfere with the process of the motion the morning of November 2022 and have been hesitant to go further due to fear of retaliation from both parties. During this sweep/clean-up I have lost medications and important documents that have been trashed by the city worker with this hostile type of behavior toward me and my peers. I have not refilled my medication for P.T.S.D, Thyroid, and ~~Asthma~~ Ashmen due to the pressure and stress infereed through this situation. I am consistently in fear of my late mother's belongings as well as my car being take and trashed while I'm away. After seeing them act the way they did to the ^{Helper} ~~Helper~~ ^{Helper} on November 2022 I don't trust

them to do the right things by way of us. (me and my peers. IF they will display hostile behaviors towards an Outsider trying to help them what will they do to us?

Attached is a picture of my Post and a pic of trailer.

Guyon Eugene Blackwell

November 26, 2022

SairaRook@gmail.com
(408) 440 9484
1442 Pomona Ave. (mailing)
San Jose, CA 95110 (only)

Cummings et al
~~Gonzales~~
✓
CITY OF SAN JOSE

US Court

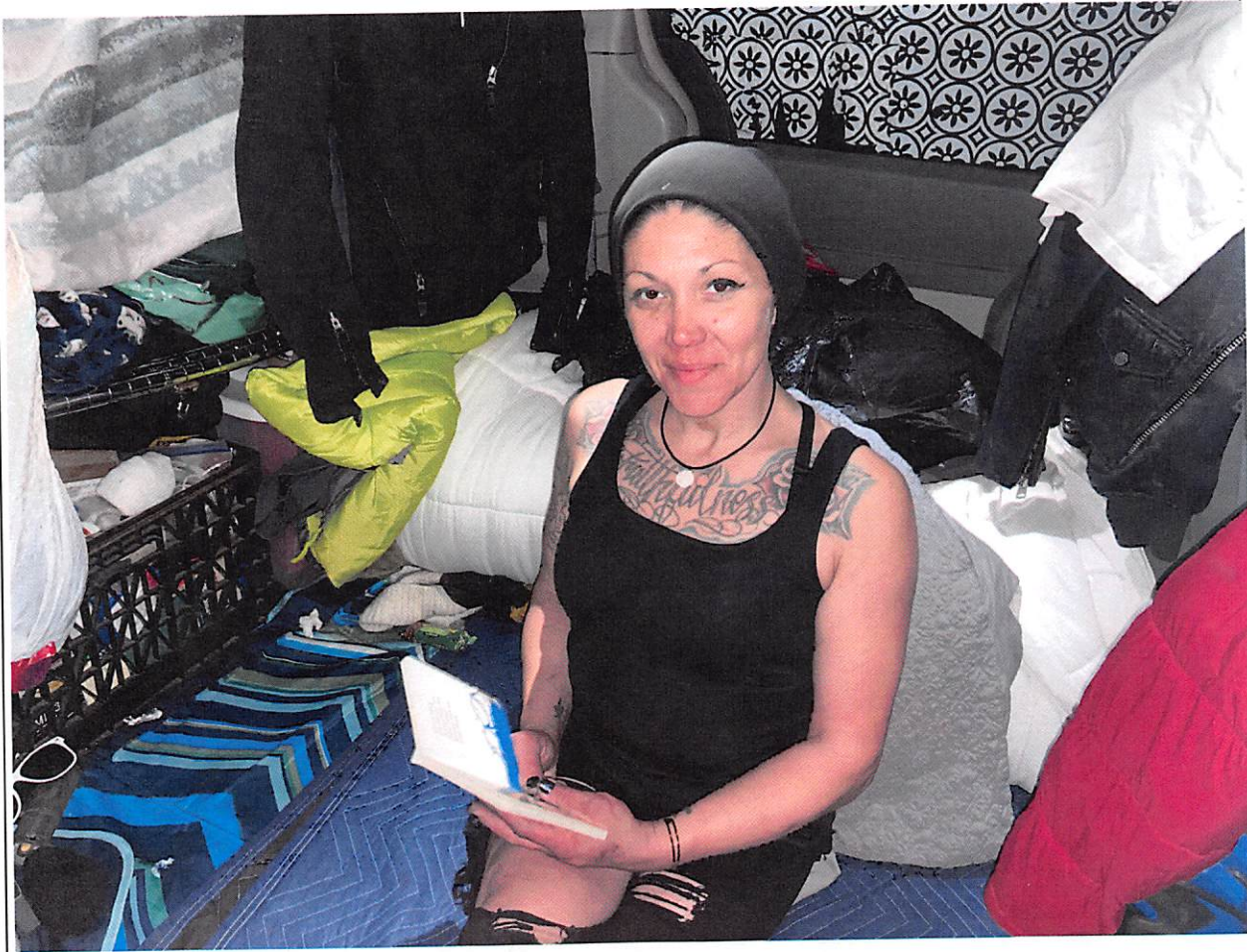
DECLARATION SARAH LEE CUMMINGS
to DESTRUCTION of her mini van
while she goes to detox

NOVEM 26

I, Sarah Lee Cummings Do Declare
I live at Guadalupe Gardens on Spring
and Taylor in My Silver Chrysler Town
& Country Mini Van. All My important belongings
food, water, and important paper work are stored in
my Van. I leave for Detox Sunday November 27,
2022. I Cannot bring My Van With Me to
the property. I'll be gone 1 month. I'm
afraid it will be seized while I'm away.
I've no other place to park My Van and
no where else to live when I return from
Detox, Mariposa Detox in San Jose, CA.
My mailing address is 1442 Pomona Ave
San Jose, CA 95110. There is a picture in exhibit (A)
of My Property INSIDE and OUT.
My Mother Annette M. Diaz Nagatani
has permission to Speak to anyone if need.

I declare under foregoing
Under penalty of Perjury I S^W True.

Nov 26, 2022 Sarah Lee Cummings

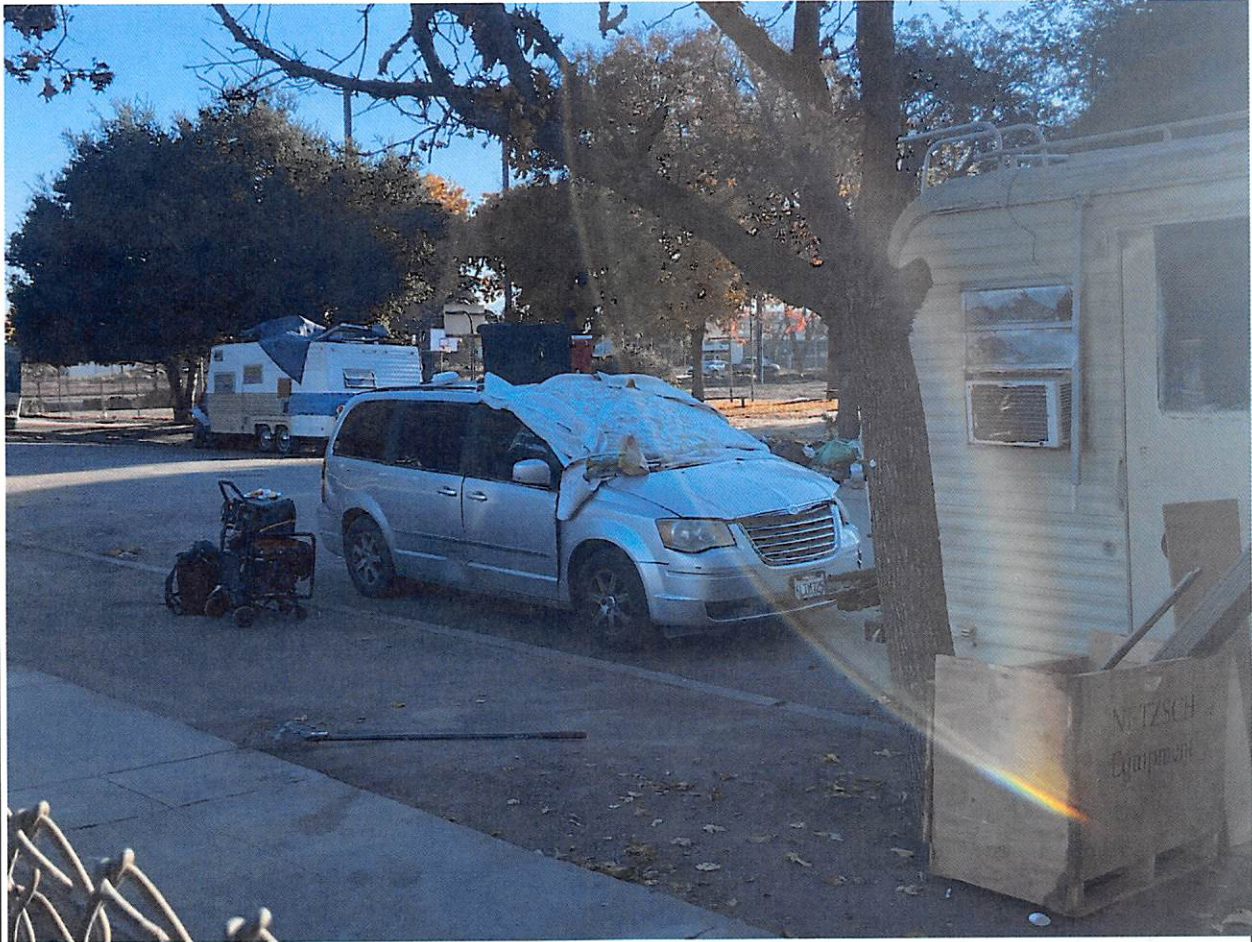


PLEADING TITLE - 2



PLEADING TITLE - 3





Your name:

Ryan Hope

Address:

Homeless (Columbus Park)

Phone Number:

406 424 - 2256

E-mail Address:

tate.r22.tot23@gmail.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Ryan Hope

Plaintiff(s),

vs.

Sandra City of San Jose

Sandra Munillo

Tucker Construction

Seth Turner

Vanessa Beretta

PAUL PERREIRA

Defendant(s).

HOME FIRST

Case Number: _____

DECLARATION OF [name]

Ryan Hope

IN SUPPORT OF

TRO, Complaint
& Declaration.

I, [name]

Ryan Hope

declare as follows:

[In the first paragraph, explain who you are and how you are connected to the party or events relevant to the lawsuit. If you are the Plaintiff or Defendant, say so here. If you are a witness, say how you are involved.]

1.

I am

homeless for 5+ years &
living at Columbus park for 2+ years.

DECLARATION OF

Ryan Hope

IN SUPPORT OF

TRO

& Complaint & Declaration

CASE NO. _____

; PAGE 1 OF 4 [JDC TEMPLATE Rev.2015]

2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could and would testify competently thereto.

[Write each fact in a separate paragraph. You may only write about facts or occurrences that you have personal knowledge of or that you personally witnessed. Explain how you know each fact. If you have documents that support your argument, you may attach them to this declaration. Using a separate paragraph and separate exhibit letter for each document. Explain what the document is and how you know what it is. Example: "3. Attached as Exhibit A is a copy of a letter that I received from [name] on [date] [by mail]."]

3. Fifth wheel hitch (to help move) Oct '22

Mini pocket bike, Oct. '22

4. Extension cord. Oct. '22

Generator Oct '22

Dog crate Oct '22

Dog food container Oct. '22

5. Dog bed Oct. '22

Threats of taking my "non-op" '99 Chevy 2500.

6. Cage & tarp outside my spot.
My girl friends old trailer.

7.

8.

9. I am still living here with threats of being evicted.

DECLARATION OF Ryan Hope IN SUPPORT OF
TRO & Complaint & Declaration
CASE NO. _____; PAGE 2 OF 4 [JDC TEMPLATE Rev.2015]

[Insert this page if you need extra space. Number each paragraph.]

When "Safe Parking" was offered by Sandra Murillo & Vanessa Beretta they said we could park & one trailer, (I've got two trailers) & one car. (My girlfriend has a truck we need to move our trailers.) I own a car & a "non-op" truck. They told me I had to move my truck or sell it to them, otherwise it would be towed. And that we could "park safely" across the street, but bring only one trailer & one vehicle. Without reason of why we couldn't bring our other trailers or vehicles.

We were offered a \$500 Measley gift card in exchange for my "non-op" truck & my second trailer. My truck alone cost me \$5,000 when I bought it. My second trailer cost me 10,000 (in payments) so why would I settle for a \$500 GIFT CARD.

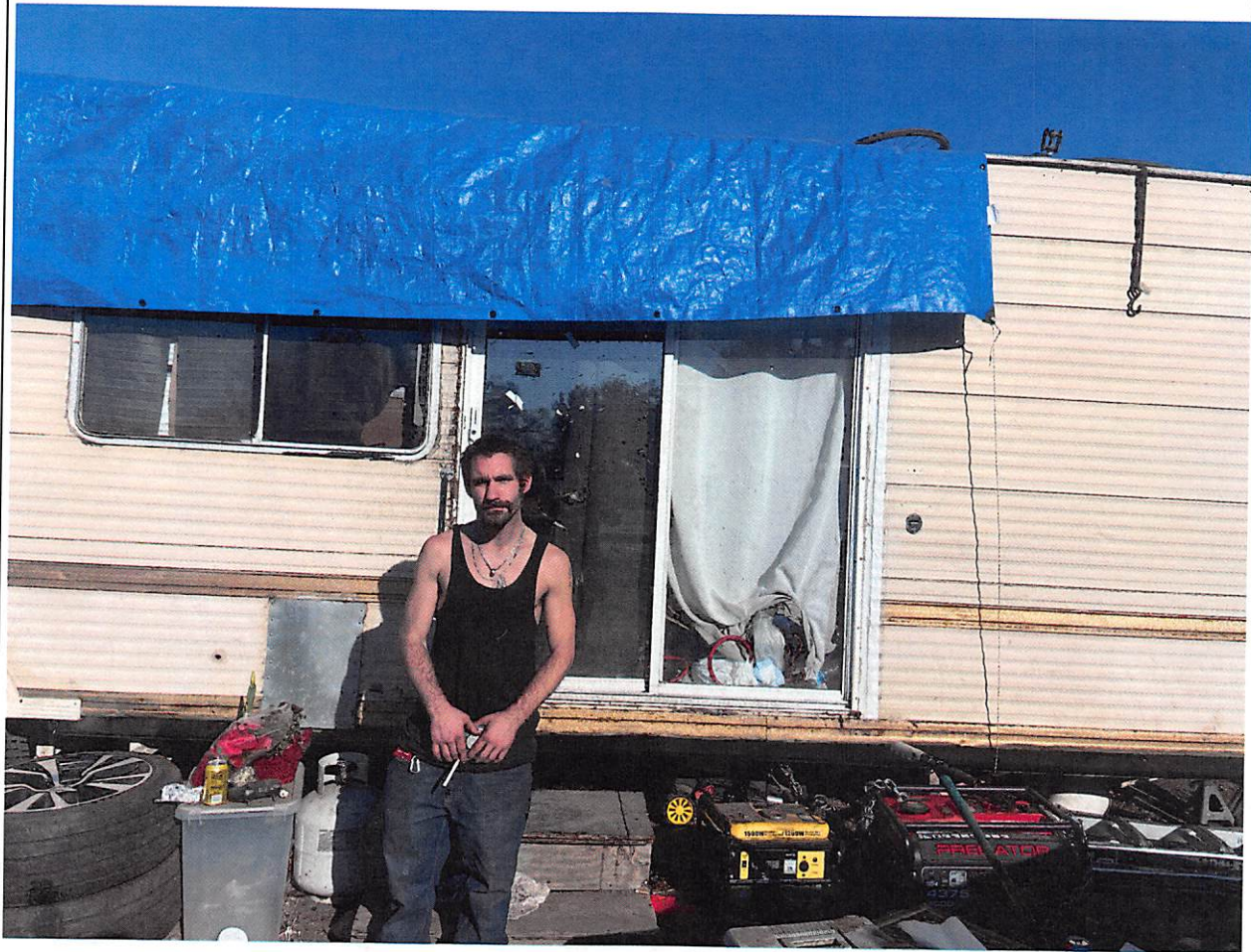
DECLARATION OF Ryan Hope IN SUPPORT OF
TPO & Complaint & Declaration
CASE NO. _____; PAGE 3 OF 4 [JDC TEMPLATE Rev.2015]

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on [date] 11/26/22

Signature: Ryan D. Hope
Printed name: Ryan Hope
Address: Homeless
Phone Number: 406 829-7766

DECLARATION OF Ryan Hope IN SUPPORT OF
IRDO & Complaint & Declaration
CASE NO. _____; PAGE 4 OF 4 [JDC TEMPLATE Rev.2015]





PLEADING TITLE - 1

669-230-9296

UNITED STATES COURT
DISTRICT OF NORTHERN CALIFORNIA

Cummings et al
v
City of San Jose, CA

DECLARATION
OF
ELIJAH
CANTU
IN SUPPORT

I ELIJAH CANTU DO declare

I am 18 years old and have
lived at Dandelion Gardens
the last year.

I live in this trailer - it
is currently being worked on. MY
UNCLE and I are replacing the ENGINE
AND we need time to fix it. [EXHIBIT

ON November 10th OFFICER CINBERG
Posted the attached Notice in EXHIBIT
B

I have no where else to live but here
and me and my uncle are working on it.
its my ONLY place to shield from the
Rain -

It has our family Heirlooms, clothes, food.
My uncle is a Veteran and marine
and Im worried about his health and
he is recovering shoulder injury.

I have all my things and no one
has offered anything to compensate
such a loss

I have witnessed Dan Jose officials
destroy Peoples precious property -
Generators, Bikes, Motor homes - everything

They destroyed my Power Washers
that I was using to start
a power washing and my bike
that my dad gave me.

I declare the foregoing under Penalty
of Perjury, ELIJAH CANTO

WARNING

THIS VEHICLE MAY BE IN VIOLATION OF THE LAW AND SUBJECT TO REMOVAL AT THE OWNER'S EXPENSE

This vehicle may be in violation of one or more of the following:

- ☐ A vehicle may not be parked on a public street for more than 72 hours (3 days) without moving (San José Municipal Code 11.36.220). The vehicle may be cited and towed under California Vehicle Code section 22651(k) **WITHOUT FURTHER NOTICE**.
- ☐ A vehicle may not be parked in violation of posted rules including being parked for more than 72 hours (3 days) within City owned or operated facilities (California Vehicle Code 21113(a)). The vehicle may be cited and towed under California Vehicle Code section 22669(a) and/or 22651(n) **WITHOUT FURTHER NOTICE**.
- ☐ A vehicle may not be abandoned on a public street or other public property (California Vehicle Code section 22523). A vehicle parked and/or left on a public street or public property that is inoperable or is deemed a hazard is considered abandoned and may be removed **IMMEDIATELY**.
- ☐ Vehicles may not be driven or parked on a highway, public land, or an off-street parking facility without current registration (California Vehicle Code section 4000a). Vehicles found with a registration expiration date older than six months, and parked or driven on the highway, public land, or an off-street parking facility are subject to **IMMEDIATE** removal under California Vehicle Code Section 22651(o).

Note: Placement of this warning notice is a courtesy and not required under the California Vehicle Code. The absence or removal of the warning does not invalidate any enforcement action (citation or tow.)

VEHICLE ABATEMENT PROGRAM FREQUENTLY ASKED QUESTIONS

1. What does this orange warning notice mean?

The City of San José received a complaint that the vehicle is being stored or has been abandoned on a public street. We investigate every complaint. As a first step in investigating a vehicle, we place a warning notice on it. We will follow up after 72 hours (three days). If the evidence confirms that the vehicle is in fact being stored for more than 72 hours (three days) or is abandoned, it may be ticketed and/or towed.

2. Do I need to respond to this warning notice?

No – you DO NOT need to call, write, or email the City in response to the warning. However, please make sure the vehicle has current registration, is driven every 72 hours (three days), and is in drivable condition.

3. How long can a vehicle be parked on the public street?

A vehicle cannot be parked on the public street for more than 72 hours (three days) without moving (San José Municipal Code 11.36.220).

4. Can I park my car on the public street if the vehicle registration is expired?

No, vehicles may not be parked on the public street with an expired registration. The vehicle may be ticketed or towed.

5. How do I make sure my vehicle will not be towed?

If you're going to park on a public street, make sure the vehicle doesn't violate any posted parking rules, has current registration on file with the DMV, is in drivable condition, and is driven every 72 hours (three days).

6. Will the City always provide a warning notice before towing a vehicle?

No, the orange warning notice is not required by law and is placed on vehicles as a courtesy.

7. My car was towed, what do I do?

Contact the San José Police Department's Vehicle Records Unit at 408-277-4156 and be prepared to provide your vehicle license plate number.

For more information contact the City of San José (408) 535-3500 or www.sanjoseca.gov

Date / Time of Warning: 11/10/22 1227

Vehicle License #: N/A

Officer: CANBERG

Badge #: 4976

☒ Department of Transportation
☐ Police Department

ADVERTENCIA

ESTE VEHÍCULO PUEDE ESTAR EN VIOLACIÓN DE LA LEY Y SUJETO A LA REMOCIÓN A CARGO DEL PROPIETARIO

Este vehículo puede estar en violación de uno o más de los siguientes:

- ☐ Un vehículo no puede estacionarse en una calle pública por más de 72 horas (3 días) sin moverse (Código Municipal de San José 11.36.220). El vehículo puede ser citado y remolcado bajo la sección 22651(k) del Código de Vehículos de California **SIN MÁS AVISO**.
- ☐ No se puede estacionar un vehículo en violación de las normas publicadas, incluido el estacionamiento durante más de 72 horas (3 días) dentro de las instalaciones de propiedad u operadas por la Ciudad (Código de Vehículos de California 21113(a)). El vehículo puede ser citado y remolcado bajo la sección 22669(a) y/o 22651(n) del Código de Vehículos de California **SIN MÁS AVISO**.
- ☐ Un vehículo no puede ser abandonado en una calle pública u otra propiedad pública (Código de Vehículos de California sección 22523). Un vehículo estacionado y/o dejado en una calle pública o propiedad pública que no funciona o que se considera un peligro se considera abandonado y puede ser removido **INMEDIATAMENTE**.
- ☐ Los vehículos no pueden ser conducidos o estacionados en una carretera, terreno público o una instalación de estacionamiento fuera de la calle sin registro actual (Código de Vehículos de California, sección 4000a). Los vehículos que se encuentren con una fecha de vencimiento superior a los seis meses, estacionados o conducidos en la carretera, terrenos públicos o un estacionamiento fuera de la vía pública están sujetos a la remoción **INMEDIATA** bajo la Sección 22651(o) del Código de Vehículos de California.

Para obtener más información, comuníquese con la Ciudad de San José (408) 535-3500 o www.sanjoseca.gov

CẢNH BÁO

CHIẾC XE NÀY CÓ THỂ ĐÃ PHẠM LUẬT VÀ PHẢI BỊ KÉO ĐI MÀ CHỦ XE PHẢI CHỊU MỌI CHI PHÍ

Chiếc xe này có thể đã phạm một hoặc nhiều điều luật sau đây:

- ☐ Xe không được đậu yên một chỗ trên đường phố quá 72 giờ (3 ngày) mà không dời đi nơi khác (Bộ Luật Đô Thị San José 11.36.220). Chiếc xe có thể bị gắn giấy đòi hầu tòa và kéo đi chiếu theo Bộ Luật Xe Cộ California phần 22651(k) **MÀ KHÔNG CẦN PHẢI THÔNG BÁO THÊM**.
- ☐ Chiếc xe không được đậu tại chỗ có vi phạm đến các luật hành chính và quy tắc đăng bao gồm đậu quá 72 giờ (3 ngày) trong phạm vi các cơ sở của hoặc được điều hành bởi Thành Phố (Bộ Luật Xe Cộ California 21113 (a)). Chiếc xe có thể bị gắn giấy đòi hầu tòa và kéo đi chiếu theo Bộ Luật Xe Cộ California phần 22669(a) **MÀ KHÔNG CẦN PHẢI THÔNG BÁO THÊM**.
- ☐ Không được bỏ phớt xe trên đường phố công cộng hoặc tài sản công cộng khác (Bộ Luật Xe Cộ California 22523). Xe đậu và/hoặc bị bỏ lại trên đường phố công cộng hoặc tài sản công cộng mà bị hư không chạy được hoặc cho là mối nguy được coi là bỏ phớt và có thể bị kéo đi **NGAY LẬP TỨC**.
- ☐ Không được lái những chiếc xe hoặc đậu trên xa lộ, vùng đất công cộng, hoặc các chỗ đậu xe ngoài đường mà không có giấy đăng bộ hiện hành (Bộ Luật Xe Cộ California phần 4000a). Những chiếc xe có ngày đăng ký đã hết hạn quá sáu tháng, và được đậu hoặc lái trên xa lộ, vùng đất công cộng, hoặc chỗ đậu xe ngoài đường phố phải bị kéo đi **NGAY LẬP TỨC** chiếu theo Bộ Luật Xe Cộ California phần 22651(o).

Để biết thêm thông tin xin liên lạc với Thành Phố San José tại số (408) 535-3500 hoặc là www.sanjoseca.gov